

Select Documents on
PARTITION OF PUNJAB-1947
India and Pakistan
(Revised & Enlarged Edition)

Punjab, Haryana and Himachal- India
and
Punjab - Pakistan

BY THE SAME AUTHOR

ENGLISH

1. Punjab's Pioneer Freedom fighters, Published by: Orient Longman 1963 (Out of Print)
2. Partition of Punjab-1947, Punjabi University Patiala, 1972, 2nd Edition 1989
3. Sikhs and transfer of power, Punjabi University Patiala (In Press)
4. Maharaja Ala Singh of Patiala and His Times, an Historical Study
5. Prespective on Sikh Gurus
6. The Adi Guru Granth as a Source of History
7. Atlas of the Travels of Guru Nanak
8. The Janamsakhi Tradition-Analytical Study
9. Maharaja Ala Singh of Paitala and His Times
10. Punjab History of Culture, Punjabi University Patiala
11. The Historical Study of Maharaja Ranjit Singh's Times

PUNJABI

1. *Sardar Sham Singh Attariwala.*
2. *Punjab De Mudlay Sawtantrta Sangramiaye.*
3. *Punjab Da Batwara-1947.*
4. *Punjab Da Batwara te Sikh Neta*
5. *Sikhan De Punjab Vichon Niklan Di Gatha.*
6. *Shahidian* (An account of communal riots in the West Punjab, 1947).
7. *Zafar Namah Ranjit Singh*, Dewan Amar Nath (Persian)- Punjabi translation - (Edited).
8. *Manohar Dass Meharban, Jiwan te Rachnawan.*
9. *Janamsakhi Guru Nanak by Mehraban* (Edited).
10. *Janamsakhi Prampara.*
11. *Das Gur Katha by Kankan* (Edited).
12. *Sikh Itihas De Vashesh Pukh*
13. *Sikh Itihas De Khoj Nihand*

PERSIAN

1. *Char Bagh-i-Punjab* by Ganesh Dass Wadhera (Edited).

Dedicated to
the memory of

Dr. Bhai Vir Singh Ji
who inspired me to work on
Partition of Punjab-1947.

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PREFACE TO THE 2ND EDITION

This book was first published in 1991. It was sold out in a short span of time after its publication. Ever since there has been growing demand of this book. I have been receiving letters from India and abroad for a copy of this book. The publishers have decided to bring out its second edition.

In 1998, my nephew S. Hardeep Singh who has settled in England invited me and my wife to come and stay with them for a couple of months in London. I utilised this opportunity to consult the Public Record Office (British Archives) which contains the British Record and Proceedings and Decisions of the British Cabinet. This institution contains records of all those countries where the British had some connection. I confined my self to my old topic - Partition of Punjab ; and found very important documents relating to the subject. Some of them have been added in this edition.

I hope this enlarged and revised edition of the book will be very useful for the students and research scholars of history in particular and readers in general.

My thanks are due to Public Record Office authorities who permitted me to consult the record and to the publishers who have reproduced this volume in a befitting manner.

20.10.2005

-Kirpal Singh
Former Professor & Head
Punjab Historical Studies Department,
Punjabi University, Patiala

Preface

The tract of the territory now comprising punjab, Haryana, Himachal, (India) and the Punjab (Pakistan) occupied a position of profound importance. It was on the highway between the nomad breeding grounds of Central Asia and rich and fertile valley of the Ganges, It had, therefore, been the arena of religious, social and political conflicts like Palestine in the Middle East and Belgium in Europe. Its climate bred a hardy and martial people. At the time of transfer of power to Indian hands in 1947 it was the only province ruled by its Governor under section 93 of the Government of India Act of 1935, Again only in the Punjab was the transfer of power followed by bloodshed and mass migrations.

The scope of the present work is limited to study of documents pertaining to the genesis of the idea of partition of Punjab (Vide Introduction also), formulation of the Partition Plan, its implementation and the aftermath of partition of Punjab.

The partition of the Punjab is a unique event because it was followed by a large scale mass migrations unprecedented in the history of mankind. I spent a number of years in studying its various aspects - the book on Calcutta riots of 1946 was published by Khalsa College, Amritsar (1957), another on anecdotes of communal riots 1947 by the Chief Khalsa Dewan, Amritsar (1964), still another, an edited work, on recovery of abducted women by Khalsa Samachar, Amritsar (1959). The Punjab University, Chandigarh awarded me Ph.D. degree in 1966 and the Punjabi University, Patiala published my Ph.D. thesis entitled "Partition of Punjab 1947" in 1972. This project was approved by Indian Council of Historical Research in 1980. But I could devote more time to it when I shifted to Chandigarh in 1986 after my retirement.

When I interviewed Lord Attlee, who was the Prime Minister of England in 1947, Lord Ismay Chief of Viceroy's Staff in 1947, Sir Francis Mudie Governor of West Punjab and Sir Evan Jenkins last Governor of British Punjab and others in 1964 during my first visit to England a number of issues cropped up. In 1966 in England the records of the transfer of power to India were released because the limit for release of records was reduced to thirty years, I, therefore planned to visit England in 1983 for second time to consult newly released records, During my studies I examined a number of original documents scattered at different places. These throw flood of light on the various controversial issues in which the scholars in three countries viz., India, Pakistan and England are keenly interested, Earlier I had consulted some documents in India. It was, therefore, very important to allow the documents to speak for themselves and facilitate the scholars to have the compact and consolidated information. Therefore, project of "Select Documents on Partition of Punjab" was taken in hand. I have mainly consulted and collected documents from the various repositories in Indian and England. Besides consulting the huge India Office records I was allowed to have access to Lord Mountbatten papers in the India Office Library and Broadland Archives. Lord Mountbatten had taken special permission of the King of

England to take with him all the papers relating to his Viceroyalty. Therefore, original documents relating to the transfer of power are preserved in Broadland Archives which is managed by a Trust.

More important than the official records are the private papers of the British officials who served in India during the fateful years of 1946-47. The private papers provide real clue on the working of their minds on various political situations in India. They throw significant light on the controversial issues. Private papers of Lord Mountbatten, Lord Ismay, Sir Francis Mudie, Sir Evan Jenkins, and Major J.M. Short have been consulted.

Partition of Punjab is a part of partition of India. The documents relating to partition of India concerning Punjab have been included. For instance minutes of those items of the meetings of Partition Council dealing with the Punjab affairs or minutes of meetings of Joint Defence Council discussing Punjab Boundary Force or those paras of the Viceroy's lengthy Reports dealing with the Punjab problem or cases of Punjab Partition Committee referred to the Arbitral Tribunal have been selected. Selection has to be made at every step as partition of India implies partition of Bengal and Assam, division of armed forces and so many other aspects.

This book is strictly confined to the partition of Punjab and its aftermath. The important documents relating to Military Evacuee Organisation (India) and East Punjab Liaison Agency have been included. However, I could not get access to similar records in Pakistan. In England I could consult the letters of Sir Francis Mudie, the first Governor of West Punjab, and Sir C.M. Trivedi, the first Governor of East Punjab. These have been included as they throw a flood of light on the aftermath of partition of the Punjab. At places I have to quote documents from the *India-Transfer of Power* volumes for which I am grateful to their Editors.

Nobody can doubt that statement of refugees constitute an eye-witness account of the events. But these have to be used with caution as it was matter of common knowledge with high officials in Pakistan and India that refugees being affected by ghastly events gave the exaggerated statements. (Vide Sir Francis Mudie's Interview by the writer in Appendix II) Still refugees evidence constitute an important source of information for the historians who should make an allowance of exaggeration here and there.

Judicious selection has been made from Partition Branch, Punjab Government (India) Secretariat records and East Punjab Liaison Agency Records. There was a small printed file entitled "Decisions of Punjab Partition Committee". Similarly there was a separate file entitled "Agendas of Punjab Partition committee". The issues mentioned in the latter have been linked up with their respective decisions and selected items included in this volume. From the huge East Punjab Liaison Agency records which deal with various individual cases like recovery of abducted woman, evacuation of forcibly converted persons, clearance of lockers etc. the final reports of District Liaison Officers have been included in this volume. These deal with all these aspects.

The Reports submitted by the members of the Punjab Boundary Commission, however lengthy, have been incorporated in full vide Document Nos. 128, 130, 133 and 137. The memoranda presented by the prominent political parties in Punjab (Vide Document Nos. 102, 103 and 104) and the case of Nanakana Sahib submitted by Giani Kartar Singh (Vide Document No. 123) have been included in toto. The note prepared by Governor of Punjab on the Irrigation System which was presented in the first meeting of the Punjab Partition Committee has been given along with others items in Document No. 74.

At places several references to the same issue have been integrated and presented in one document. For instance the appointment of the chairman of Arbitral Tribunal was discussed in different meetings of the Partition Council. These references have been brought together in a Document No. 99 to avoid repetition.

Every document has been authenticated by quoting its source. Mostly the original titles have been retained and at places new titles have been added to make the nature of the document clear. In the cases of correspondence the writer and the addressee have invariably been noted at the top of the document. In order to maintain the originality of the documents no change has been made in the spellings of the proper names. For instance one may find "B.N. Rau" in Document No. 18 and "B.N. Rao" in Document No. 20. Every effort has been made to avoid repetition. At places one incident has been reported at different levels, repetition was, therefore, unavoidable in those cases.

No effort or money has been spared in execution of this significant project. However I do not claim finality in respect of my findings.

In the end it is my pleasant duty to express my gratitude to Trustees of Mountbatten Trust, Broadland Archives, Directors British Library (India Office Library) and Records, London, Keeper of records, Centre for Military Archives, London University King's College, London, Public Record Office London, Director National Archives, New Delhi, Ministry of Defence Govt. of India, Punjab Government Chandigarh, Director of State Archives, Patiala and Principal Khalsa College, Amritsar for allowing me to have access to their records and for extending me necessary facilities. I am indebted to Indian Council of Historical Research, New Delhi especially Prof. B.R. Grover who took personal interest in sanctioning this project and providing me funds to visit England, Punjabi University, Patiala especially Dr. S.S. Johl, Vice Chancellor for encouraging me to pursue this project and sanctioning some aid for my visit to England and to the British Council for providing me maintenance aid for my stay in England, I am grateful to Prof. P.N. Kirpal, former Chairman of Unesco and Secretary, Ministry of Education, Govt. of India (Retired) for inspiring me to pursue this project, to Prof. M.L. Ahluwalia Deputy Director, National Archives (Retired), and S. Ravel Singh, Ex. Minister Punjab Government for valuable suggestions, This book is being published with the aid of ICHR for which I am indebted to Dr. T.R. Sareen Director Indian Council of Historical Research, New Delhi. I am grateful to Shrimati Joginder Kaur, my wife, for providing me with the comforts of life and sharing with me the hardships. I am thankful to publishers who had taken pains to publish it.

April 28, 1988

Kirpal Singh
1288/ Sector 15-B,
Chandigarh.

ABBREVIATIONS

A.P.P.C.	Agendas of Punjab Partition Committee, Partition Branch Records, Punjab Government, Chandigarh.
C-in-C.	Commander-in-chief
C.M.A.L.U.	Centre for Military Archives, London University Kings College, London
C.O.S.	Chief of Staff
C.S.V.	Conference Secretary to Viceroy
C.V.S.	Chief of Viceroy Staff.
D.I.G.	Deputy Inspector General Police
D.L.O.	District Liaison Officer
D.P.P.C.	Decisions of Punjab Partition Committee, Partition Branch Records, Punjab Government Chandigarh.
G.O.C.	General Officer Commanding
G.H.Q	General Headquarters
H.Q.	Headquarters
I.C.S.	Indian Civil Service
I.G.	Inspector General Police
I.O.R.	India Office Library and Records, London, (or British Library and Records) London.
L.A.R.	East Punjab Liaison Agency Records, Punjab State Archives, Patiala.
M.B. Files	Photocopies of the papers of Lord Mountbatten, the last Viceroy of India preserved in the India Office Library, London. (The originals are in the Broadland Archives Ramsay, England.)
M.E.O.	Military Evacuees Organisation
M.L.A.	Member Legislature Assembly
M.S.V.	Military Secretary to Viceroy
M.T.	Military or Motorised Transport
N.W.F.P.	North Western Frontier Province
P.B.F.	Punjab Boundary Force
P.B.R.	Partition Branch Records, Punjab Government, Chandigarh
P.R.O.	Public Relations Officer
P.P.	Partition Proceedings Volumes Government of India
P.S.V.	Private Secretary to the Viceroy
R.S.S.S.	Rashtriya Swayam Sewak Sangh.
S.D.I.C.	Speeches and Documents on Indian Constitution by Maurice Gwyer and A. Appadorai, Oxford University Press, Bombay, 1957.
S.G.P.C.	Shromani Gurdwara Parbandhak Committee, Amritsar.
T.P. Volumes	Transfer of Power in India Volumes, Edited by Nicola Manserg and Penderal Moon., published by Her Majesty's Stationery Office, London.
U.N.O.	United Nations Organisation
V.C.O.	Viceroy's Conference Papers
V.P.R.	Viceroy's Personal Report

Prominent Personages Mentioned in this Book

In England

- | | | |
|----|----------------------|---|
| 1. | Lord Clement Attlee | Prime Minister and Lord of Treasury. |
| 2. | Sir Stafford Cripps | Lord Privy Seal and Leader of the House of Commons in 1942 and President of the Board of Trade in 1947. |
| 3. | Earl of Listowell | Secretary of State for India in 1947. |
| 4. | Mr. Arthur Henderson | Private Secretary to the Secretary of State for India. |
| 5. | Mr. R.M. Haris | Private Secretary to the Secretary of State for India. |

In India

- | | | |
|----|--|--|
| 1. | Field Marshal Viscount Wavel | Viceroy and Governor General in India upto March 23, 1947. |
| 2. | Rear Admiral Viscount Mountbatten of Burma | Viceroy and Governor General of India upto August, 15, 1947, and First Governor General of Free India. |
| 3. | Lord Ismay | Chief of Viceroy's Staff (came to India with Lord Mountbatten) |
| 4. | Sir Eric Mievile | Principal Secretary to the Viceroy |
| 5. | Sir George Abell | Private Secretary to the Viceroy. |
| 6. | V.P. Menon | Reform Commissioner. |

In the Interim Government

- | | | |
|-----|--------------------------|--|
| 7. | Pandit Jawahar Lal Nehru | External Affairs and Commonwealth Relations. |
| 8. | S. Vallabhbhai Patel | Home Affairs. |
| 9. | Mr. Liaquat Ali Khan | Finance. |
| 10. | S. Baldev Singh | Defence. |
| 11. | Mr. Ghazanfar Ali Khan | Health. |
| 12. | Mr. C. Rajagopalachari | Industry and Supply. |
| 13. | Mr. Abdur Rab Nishtar | Communications. |
| 14. | Dr. Rajendra Prasad | Food and Agriculture. |

Members of Partition Committee (Constituted on 12 June 1947)

- | | |
|----|----------------------------|
| 1. | Lord Mountbatten |
| 2. | Mr. Liaquat Ali Khan. |
| 3. | Sardar Vallabhabhai Patel. |

4. Dr. Rajendra Prasad.
5. Mr. Abdur Rab Nishtar.

Members of Partition Council
(Constituted on 27th June, 1947)

1. Lord Mountbatten Chairman
2. Mr. Mohammad Ali Jinnah
3. Mr. Liaqat Ali Khan
4. Sardar Vallabhabhai Patel
5. Dr. Rajendra Prasad.

Arbitral Tribunal

1. Sir W.P. Spens - Chairman.
2. Justice H.J. Kania
3. Justice Mohammad Ismail.

In Punjab

Sir Evan Jenkins ICS - Governor Punjab Uptil August 15, 1947.

Stuart E. Abbot I.C.S. Secretary to Governor Punjab uptil 5th August 1947.

Members of Punjab Partition Committee
(Constituted on 1st July, 1947)

1. Sir Evan Jenkins Chairman
2. Mr. Zahid Hussain
3. Mian Mumtaz Mohammad
4. Dr. Gopi Chand Bhargava
5. S. Swaran Singh.

Members of Punjab Boundary Commission

1. Sir Cyril Radcliffe - Chairman
2. Justice Din Mohammad.
3. Justice Mohammad Munir
4. Justice Mehar Chand Mahajan
5. Justice Teja Singh

Punjab Boundary Force

Major General Thomas
Wyndford Rees

The Commander of Punjab Boundary Force.

Highly Placed Officials after 15th August, 1947 - mentioned in the book.

(a) *In India*

- | | | |
|----|--|---|
| 1. | Lord Mountbatten | Governor General, India. |
| 2. | Field Marshal Sir Claude
John Eyre Auchinleck | Commander in-Chief in India. |
| 3. | Pandit Jawahar Lal Nehru | Prime Minister of Indian Republic. |
| 4. | Sardar Vallabhabhai Patel | Deputy Prime Minister Republic of India |
| 5. | Sardar Baldev Singh | Defence Minister |
| 6. | Gopalasawamy Ayyanger | Rehabilitation Minister |

(b) *In East Punjab (India)*

- | | | |
|----|-------------------------|---------------------------------------|
| 1. | Sir C.M. Trivedi | Governor East Punjab. |
| 2. | Dr. Gopi Chand Bhargava | Prime Minister of East Punjab |
| 3. | S. Swaran Singh | Home Minister, East Punjab |
| 4. | Sant Prakash Singh | Inspector General Police, East Punjab |
| 5. | R.B. Nathu Ram | Chief Liaison Officer, East Punjab |

(c) *In Pakistan*

- | | | |
|----|----------------------------|---|
| 1. | Mr. Mohammad Ali
Jinnah | Governor General Pakistan. |
| 2. | Mr. Liaqat Ali | Prime Minister of Pakistan. |
| 3. | Raja Ghazanfar Ali Khan | Refugee Relief and Rehabilitation Minister, Pakistan. |

(d) *In West Punjab (Pakistan)*

- | | | |
|----|--|--|
| 1. | Sir Francis Mudie | Governor West Punjab |
| 2. | Mr. Iftikhar Hussain Khan
(Nawab of Mamdot) | Prime Minister of West Punjab. |
| 3. | Mian Mumtaz Mohammad
Daultana | Finance Minister, West Punjab, |
| 4. | Mr. Qurban Ali Khan | Inspector General of Police, West Punjab |

Chronological Table of Principal Events

March 23, 1940	Muslim League's resolution demanding a Sovereign Muslim State (Pakistan).
March 30, 1942	Sir Stafford Cripps Mission granting right to the provinces to secede from C
entre.	
March 31, 1942	Sikhs demanded partition of Punjab.
May 1944	Rajagopalachari Formula.
March 8, 1947	The Working Committee of Indian National Congress demanded partition of Punjab.
March 24, 1947	Lord Mountbatten sworn as Viceroy of India.
May 1, 1947	Eleven non-Muslim members of Constituent Assembly submitted Memorandum demanding partition of Punjab.
June 3, 1947	3rd June Plan made provision for partition of Punjab.
June 23, 1947	East Punjab Legislative Assembly Members passed resolution for partition of Punjab.
June 30, 1947	Formation of Punjab Boundary Commission
July 1, 1947	First meeting of Punjab Partition Committee.
July 2, 1947	Giani Kartar Singh, President Shromani Akali Dal, demanded exchange of population and weightage to the Sikhs.
July 10, 1947	Cyril Radcliffe's note and proposal for amendment in the Indian Independence Act, 1947.
July 17, 1947	Chairman of Arbitral Tribunal appointed.
July 20, 1947	Viceroy's visit to Lahore to clear the main hurdles of Punjab Partition Committee.
August 1, 1947	Operational control undertaken by the Punjab Boundary Force.
August 8, 1947	Abell's controversial letter to Abbot relating to proposed demarcation of boundary in Punjab.
August 12, 1947	Submission of the Punjab Boundary Award.
August 16, 1947	Announcement of the Punjab Boundary Award
September 1, 1947	Punjab Boundary Force was abolished
September 1, 1947	Military Evacuee Organisation was established.
September 9, 1947	West Punjab's Ordinance to take control of abandoned property and business undertakings.
September, 1947	Establishment of East Punjab Liaison Agency with Headquarters at Lahore.
November 4, 1947	Release of Findings of Court Martial relating to Jassar Train Incident.
November 11, 1947	Agreement between Indian and Pakistan Governments to feed the refugees.

December 6, 1947	Agreement between India and Pakistan relating to the recovery of the abducted women.
March 17, 1948	Release of Awards of Arbitral Tribunal on issues referred to it by the Punjab Partition Committee.
November 30, 1948	Withdrawal of East Punjab Liaison Agency and D.L.O.'s submitting the reports of their respective districts.

Introduction

Origin and Evolution of the Idea of Partition

The partition of British Punjab is a very significant event. It enforced unprecedented cross mass migrations of people and was followed by massacre of thousands of men, women and children. It brought socio-political upheavals in East Punjab as well as in the West Punjab. It is, therefore, very important to understand the evolution of the idea of partition of Punjab, the formulation of Partition Plan and its implementation.

The right of communal representation granted to the Muslims in 1909 and extended to other communities in 1919 gave rise to communal consciousness. The Muslims, who constituted about 55 per cent of the population of the Punjab according to the Census Report of 1921 and 57 percent according to the Census Report of 1941 had apparently a very narrow majority over the Sikhs and the Hindus. That made the communal problem acute between the Muslims and non-Muslims. Sir Malcolm Darling wrote, "Nowhere is communal feeling potentially so dangerous and so complicated as in the Punjab - it is dangerous because of the Punjab's virile hot headed people and complicated because there is a third and not less obstinate party - the Sikhs who were more closely knit together than either Hindus or the Muslims, fiercer too and prouder and more dynamic-they never forget that it was from them we conquered the Punjab." The Moti Lal Nehru Report rightly recognised the magnitude of the communal problem in the Punjab when it recorded in 1928, "a very potent factor to be taken into account is the presence of the strong Hindu minority side by side with the Muslim majority and Sikh minority The Punjab problem has assumed an all-India importance and we cannot look at it as an isolated case arising in a single province."

Separate Representation for Muslims

In the Punjab the Muslims were in a majority. It was the only province where the majority community had been granted the right of separate representation. The report of the Franchise Committee, 1919 stated, "... special electorates for the Mohammedans could be admitted only in provinces where they were in minority of votes. As regards the Punjab, our calculation goes to show that Mohammodan voters are in a slight majority over the combined strength of the Hindu and the Sikh voters. The margin is not great and it is even possible that actual enumeration might convert it into a minority. As the Sikhs' claim to separate representation has been conceded it is clearly consideration of expediency rather than logic that would place the large majority of residuary voters in separate constituencies."

Economic Domination of the non-Muslims

The main considerations for this special and extraordinary treatment of the majority community in the Punjab were their narrow majority and their economic backwardness. The Hindus and the Sikhs dominated in the fields of industry, commerce, trade and banking. In the provincial capital of Lahore, the non-Muslims owned 108 registered factories out of 186. They paid eight times as much sales tax as Muslim traders and owned more than 75 percent of commerce and trade. Banks, commercial institutions, insurance companies and industrial concerns were mostly in their hands. The urban property tax, income tax and other taxes paid by the non-Muslims were far in excess of those paid by the Muslims.⁴ Even in the Muslim majority districts trade and industry were in the hands of the Hindus and the Sikhs who lived in the towns and cities in the West Punjab districts of Rawalpindi, Jhelum, Sialkot, Gujarat, Gujranwala, Shahpur, Lyallpur, Mianwali, Multan, Muzaffargarh, Montgomery and Jhang more than 5% of the population was engaged in trade.⁵ In the rest of the province where the Hindus and the Sikhs were more numerous than the Muslims the trade enterprise of the Hindu was of less value. The non-Muslims owned more than half of the total number of industrial establishment in the whole of the Punjab.⁶ In the central districts the Sikhs were the biggest land owners. In the Lahore Division the Sikhs paid as much as 46 per cent of the total land revenue.⁷ The Jat Sikhs from the central districts of the Punjab were mainly responsible for developing the colony areas of Lyallpur and Montgomery.

Next to agriculture money-lending was the most important commercial activity in the province. Money-lending was entirely in the hands of the Hindus and the Sikhs as usury was taboo among the Muslims. According to Sir Malcolm Darling the total agricultural debt of the Punjab was about nineteen times the land revenue and the Punjab agriculturist was more indebted than any other agriculturist in India and more than half of the debt was incurred by the Muslim rural population.⁸ The Muslim peasants of the West Punjab were as a body heavily indebted to the Hindu and Sikh money-lenders of the Multan and Rawalpindi Divisions. When most of the Hindus left Multan on account of severe plague epidemic in the Multan Division in September 1922, the Muslim peasants who were in debt looted their grains and burnt their account books which recorded their debts. The trouble spread to such an extent that the military had to be requisitioned from Multan to restore order.⁹

The economic domination of the non-Muslims over the Muslims lent a force to the Muslim contention that they were in danger of economic exploitation by the Hindus and the Sikhs. It was on this ground that the Punjab Committee constituted in 1928 by the Punjab Legislative Council to confer with the Indian Statutory Commission, recommended that "the interests of an economically and educationally backward community cannot be safeguarded unless it is allowed a free choice in the selection of its representatives. If common electorates are introduced, the money-lenders and financially stronger community will be able to influence the voters of the backward and poor communities and get their own nominees elected which will practically mean the backward communities being left unrepresented in the Legislature."¹⁰

Muslim Domination Opposed

The Sikhs and the Hindus opposed the communal representation and reservation of seats which had been granted by the Communal Award to the Muslims because it gave them a statutory majority of 51 percent in Legislature. The Hindus who were about 30 per cent argued that there should not be any reservation of seats for the majority community, a minority should not be given less representation in terms of their population, and weightage should not be given to one minority at the expense of another minority. The Sikhs who were about 13 per cent paid about 40 per cent of land revenue and water rates combined¹¹ and supplied a gallant and valuable element in the Indian Army demanded that they must have substantial weightage as enjoyed by the Muslims in the province where they were in a minority. Secondly, the Muslims representation must be less than 50 per cent so that no community should be able to rule over the other. The Sikh delegation to the Round Table Conference, London, raised this issue and argued that "In the Punjab, they (Muslims) claim to have their majority ensured by consumed statute The Muslim Dimand for this majority is made a basis of separate electorates which means that the other two communities could not influence the permanent majority."¹²

Significantly enough the claim put forward by every community had its own justification, but it could not be met without injustice to another community. In case the Sikhs were granted sufficient weightage, the Muslims would be deprived of their narrow majority in the Legislature. If weightage to the Sikhs was granted out of the portion to the Hindus it would have resulted in injustice to the latter. If no weightage was given to the Sikhs it would be an injustice to them as similar privileges were enjoyed by the Muslims in other provinces. In this way the communities in the Punjab were so distributed that their individual claims were mutually antagonistic and the solution of the problem seemed impossible. The Nehru Report rightly stated: "It is this circumstance in the Punjab which apart from general consideration has so far defied all attempts at a satisfactory adjustment."¹³ The soil was ready for the seeds of partition.

Proposals for Partitions of the Punjab

One of the basic factors which nourished the idea of the partition of the Punjab was the fact that the Muslims were predominant in the western Punjab and the non-Muslims in the eastern. In the extreme western most district of Attock the Muslims formed 91 per cent of the population and were 88 per cent in the districts of Jhelum and Dera Ghazi Khan. In the remaining districts from west to east, their population decreased. In the central districts of the Punjab their relative strength varied from 40 to 80 per cent. They formed only 1 per cent of population of Kangra and the hill states. The Hindus were predominant in the hilly territories where they were about 94 per cent of the population. They formed a fairly large majority in the southern districts. In the Rohtak district the Hindus were 82 per cent. In the central districts of the Punjab and in the Princely States their population varied from 10 to 40 per cent. The Sikhs were mostly concentrated in the central Punjab. The four main centres of the Sikh population were Ludhiana and Amritsar in British India, Faridkot and Patiala among the Punjab States. The highest percentage of the Sikhs population 44.5 per cent was in Faridkot state.¹⁴

As a result of the growing communal consciousness there were a number of

communal riots at various places in India during 1923 and 1924. One of the most appalling was a Hindu-Muslim riot at Kohat in the North-West Frontier Province. On September 10, 1924, a Muslim mob from the surrounding villages resorted to all forms of brutality against the Hindu population. Such was the ferocity of the rioting that the police and military felt helpless to protect the non-Muslims who were evacuated in toto to Rawalpindi. This communal outburst gave a rude shock to the politicians of India and set them thinking about the gravity of the communal problem. According to Lala Lajpat Rai, the Kohat tragedy was a unique incident of its own kind.¹⁵ He, therefore, wrote a series of articles on the communal riots and in conclusion he suggested some remedial measures. One of these was the division of the Punjab into East Punjab and West Punjab because the eastern part of the Punjab was predominantly non-Muslim and the western predominantly Muslim. He argued that if democracy was to work successfully and effectively under the system of communal electorates, the partition of the Punjab was essential.¹⁶ Lala Lajpat Rai was perfectly correct in his estimate, But he did not mean any sovereign state for the Muslims, as it has been conceded in the case of Pakistan. Subsequently Chowdhury Rahmat Ali wrote, "the Lala's proposal was a decisive step in the right direction."¹⁷

In order to solve the communal tangle in the Punjab, Sir Geoffrey Corbett who had served in the Punjab as Financial Commissioner and was Secretary of the Indian Delegation to the Round Table Conference, London, suggested another scheme. He advocated the separation of Ambala Division from the Punjab to make one community predominant. He argued, "Historically Ambala Division is a part of Hindustan and its inclusion in the province of the Punjab was an incident of British rule. Its language is Hindustani, not Punjabi, and its people are akin to the people of adjoining Meerath and Agra Divisions. Ambala Division is not irrigated from the five rivers but from the Jumna system on which the adjoining districts of United Provinces (of Agra and Oudh) also depend. It is, therefore, fair to assume that in any rational scheme for the redistribution of provinces Ambala Division less Simla District and the north western corner of the Ambala District would be separated from the Punjab."¹⁸

The scheme sponsored by Sir Geoffrey greatly attracted public attention. Mahatma Gandhi during the Round Table Conference had this scheme circulated to all members. The proposed exclusions of Ambala Division meant the exclusion of 3,099,000 Hindus, 240,296 Sikhs and 1,418,138 Muslims¹⁹ which would have raised the Muslim majority to about 63%. This would have solved the communal problem in Punjab by making one community predominant over the others. But this line of argument did not find favour with the Punjab Committee appointed to confer with the Statutory Commission because if Ambala Division were to be taken away from the Punjab, it would reduce Hindus to a smaller minority and upset the balance between the various communities. The Committee, therefore, recommended that "any large disparity between the communities in the present circumstances is undesirable in the interest of the province and good government. As the communities are at present balanced there is not even a remote chance for any one community to form a CABinet on Communal lines."²⁰

In order to counteract Sir Geoffrey Corbett's scheme the Sikhs delegates to the Round Table Conference made another proposal for the division of the Punjab. They stated in their Memorandum "If the Muslims refuse to accept in this province, where they are in a slight majority in population anything their present demand of reserved majority we ask for a territorial arrangement which would take from the Punjab the Rawalpindi and Multan

Divisions (excluding Montgomery and Lyallpur districts). These Divisions are overwhelmingly Muslim as well as racially akin to the North West Frontier Province. These overwhelmingly Muslim districts with a population of seven millions can either form a separate province or amalgamated with the North West Frontier Province; their inclusion in Punjab is a recent thing due to conquest by Ranjit Singh."²¹ The exclusion of Rawalpindi and Multan Divisions would have raised the Hindus and Sikhs to a majority in the remaining portion of the Punjab. It may be noted that this demand was partially satisfied by the partition of the Punjab in 1947.

It is not of little significance that the various schemes sponsored by Muslim intellectuals aimed at the disintegration of the Punjab in one way or the other. Sir Mohammad Iqbal, the great Muslim poet and statesman of the Punjab who is considered to be the father of the idea of a "single state for the Muslims after amalgamation of the Punjab, North West Frontier Province and Sindh", clearly foresaw that in his political arrangement, Ambala Division and some other districts would have to be separated from the Punjab. He stated in his famous address delivered at the Muslim Conference in 1929 that "The exclusion of Ambala Division and perhaps some districts where non-Muslims predominate will make it (the Muslim state) less extensive and more Muslim in population."²² Nawab Sir Mohammad Shah Niwaz Khan advocated splitting the Punjab into two zones. According to him the "Eastern Hindu tracts comprising Ambala Division and Kangra District and some portions of Hoshiarpur District were to join Hindu India Federation whereas the rest of the Punjab was to join Indus Region Federation. . . the communal balance which is artificially maintained by make weight Ambala Division should be destroyed at once. So long it is not done, the Punjab will continue to be arena of communal conflicts."²³ Dr. Syed Abdul Latif of the Usmania University, while discussing the position of the Hindus and the Sikhs of the Punjab in his "Cultural Zones Scheme", wrote: "A similar zone will have to be provided to the Hindus and the Sikhs of the Muslim block in the North West . . . a zone may be formed of all non-Muslim States at present under the Punjab States Agency to be occupied entirely by the Hindus and the Sikhs. The Hindu State of Kashmir will be included in this Hindus Sikh zone. The districts occupied by Muslims may by mutual agreement be transferred to the Punjab proper and in return the North East of the present Punjab comprising Kangra valley be added to the jurisdiction of the Maharaja"²⁴ (of Jammu and Kashmir).

The climax came in the Lahore resolution of the Muslim League (1940) which is synonymous with the Pakistan resolution. It clearly stated that the Muslim State (Pakistan) was to consist of "geographically contiguous units, demarcated into regions with such a territorial readjustment as may be necessary. According to Professor R. Coupland, the words "territorial readjustment" were particularly mentioned for the splitting of the Punjab and to exclude Ambala Division because the whole of the Punjab could not be included in Pakistan as there were areas where Muslims were not in a majority nor was there any geographical contiguity with Muslim majority areas."²⁵ This point has been made more clear from the letter of Dr. Syed Abdul Latif, member of the Muslim League Constitution Committee formed to work out the details of the Pakistan Scheme. He wrote to Sir Abdullah Haroon, Chairman of the Committee: "The Lahore Resolution aims at homogeneous compact blocks or states with an overwhelming Muslim majority. But the Punjab and Aligarh members of your Committee, through their imperialistic designs over essentially non-Muslim areas, would like to have larger Punjab extending even to Aligarh covering all non-Muslim States from Kashmir to Jaisalmer which reduces the Muslim percentages to

55%. This zone cannot be called a Muslim zone as it contains 45 per cent non-Muslims in it."²⁶

The Demand for the Partition of the Punjab

Sir Sunder Singh Majithia, founder of the Chief Khalsa Dewan, Amritsar, a Minister in the Unionist Government and a veteran Sikh leader (died in 1941), was the first Sikh to realize that ultimately Pakistan would mean for the Sikhs a parting of the ways with the Muslims. The Khalsa National Party, of which he was the leader, passed a resolution a week after the Muslim League's Pakistan resolution prophesying that "the Muslim League has created a situation which may mean a parting of the ways for the Sikhs and the Muslims with whom the Khalsa National Party has been co-operating in the provincial autonomy regime in the best interests of the province and the Sikhs community. . . . It would be the height of audacity for any one to imagine that the Sikhs would tolerate for a single day undiluted communal Raj of any community in the Punjab which is not only their homeland but also their holy land."²⁷

The Draft Declaration issued by Sir Stafford Cripps in 1942 gave an impetus to the demand for the partition of the Punjab as one of its main features was to give a right to the provinces to secede from the Centre, and "with such non-acceding provinces should they so desire, His Majesty's Government would be prepared to agree upon a new constitution giving the same full status as the Indian Union."²⁸ According to Brecher the Draft Declaration implied acceptance of Pakistan demand" by the British.²⁹ "This clearly envisaged Pakistan and afforded us a clear chance to get full Pakistan of our conception without danger of a claim for partition of the Provinces of Punjab and Bengal,"³⁰ subsequently wrote Choudhary Khaliqazzaman, a prominent member of the Muslim League Working Committee. Sir Stafford Cripps wrote to Mr. Jinnah that any province which should secure 60 percent votes in the Assembly for accession to India would have the right to do so. In case of its failure to secure the required percentage a party could claim a plebiscite of the whole population of the province.³¹ It meant that the Sikhs and the Hindus of the Punjab could never secure 60 per cent of votes for accession of the Punjab to the Indian Union as the population of non-Muslims in the Punjab was about 44 per cent. The Draft Declaration greatly alarmed the Sikhs in the Punjab because it meant that Punjab, being a Muslim majority province, could secede from the Centre and could acquire the same status as the Indian Union. In that case the Sikhs and the Hindus were to be under perpetual Muslim domination. In a memorandum to Sir Stafford Cripps the Sikhs, therefore, lodged a vigorous protest by stating that "their position in the Punjab has been finally liquidated."³² They demanded: "Why should not the population of any area opposed to separation (from the Centre) be given the right to record its verdict and to form an autonomous unit."³³ It was argued in the memorandum, that "the Sikhs cannot attain their rightful position or can effectively protect their interests unless the Punjab is redistributed into two provinces with the River Ravi as forming the boundary between them." It was asserted that "By delimiting the present provincial boundaries of the Punjab, a new province comprising Ambala and Jullundur Divisions with three districts of Amritsar, Gurdaspur and Lahore to be constituted."³⁴ Significantly enough this demand for the demarcation of the boundary with the districts of Amritsar, Gurdaspur and Lahore was partially satisfied by the Redcliffe Award. Again Master Tara Singh, the Akali leader,

stressed the idea of the partition of the Punjab in his letter to Sir Stafford Cripps dated 1st May, 1942. He said, "I thought I had convinced you at Delhi that you could give Sikhs substantial protection by dividing the present Punjab into two parts and giving right of non-accession to each part. The Sikhs and the Hindus do not want to go out of India. Why should the non-Muslim majority of the central and eastern Punjab be forced to secede from India against their wishes? . . . If you can separate provinces from India for the domination of the Muslims how can you refuse to separate a big area for the protection of the Sikhs from the rule of a single community." In his press statement published on December 2, 1942, Master Tara Singh advocated the partition of the Punjab into two provinces, one predominated by the Hindus and the Sikhs and the other by the Muslims. He quoted the examples of Orissa, Bihar and Sindh which had been made separate units without in any way destroying the integrity of the country.³⁶

After the Cripps Mission Sir Sikander Hyat Khan, Premier of the Punjab appears to have accepted the principle of partition of the Punjab when he submitted his "tentative formula for solving communal problem" to Sir B. Glancy Governor of the Punjab who sent the same to Marquess of Linlithgow, the Viceroy of India with his comments on 10 July, 1942, Sir Glancy wrote, "The proposal amounts, as you will see, to a scheme that in the absence of a 75 per cent majority of members of the Punjab Legislative Assembly in favour of accession or non-accession to the Indian Federation, the Muslim community should by means a referendum be given an opportunity of deciding on non-accession and that if they so decide, the non-Muslim portions of the Punjab should by similar referendum be accorded the right to cut themselves adrift from the Province as constituted at present. If it actually came to the point of non-Muslims deciding to break adrift, this would mean that, assuming the unit concerned to be a district, the Ambala Division and a large part of Jullundur Division and also Amritsar District would cease to belong to the Punjab."³⁷

After the Draft Declaration by Sir Stafford Cripps the Shromani Akali Dal presented the Azad Punjab scheme. According to this scheme a new Punjab was to be carved out after separating the overwhelming Muslim majority areas. It was argued that it was to be an ideal province with about an equal proportion of Hindus Muslims and Sikhs. In event of partition of the country it was to remain in the Indian Union.³⁸ All India Akali Conference Vaheela (Dist. Lyalpur) passed the Azad Punjab resolution on 27th September, 1942³⁹ and it was endorsed by the general body of Shromani Gurdwara Prabandhik Committee, Amritsar on 27th Feb. 1943.⁴⁰ Master Tara Singh explained the basis of this province in his letter to Sir Stafford Cripps. "The Sikhs certainly cannot dominate in any decently large portion of the country and hence they do not demand domination. But a big province much bigger than many of the existing provinces in area, population and wealth can certainly be carved out in which Sikhs are dominated by no single community."⁴¹

In order to counteract the Muslim League demand for sovereign Muslim State, the Shromani Akali Dal put forward the demand of Sikh state. The main aim and the most important feature of this demand was to insist upon the partition of the Punjab. It was based on the argument that "the Panth" demands the splitting up of the existing province of the Punjab with its unnatural boundaries so as to constitute a separate autonomous Sikh State in these areas of the central, north-eastern and south-eastern Punjab in which the overwhelming part of the Sikh population is concentrated and which because of the proprietors in it being mostly Sikhs and its General Character being distinctly Sikh, is the *de facto* Sikh Homeland." The proposed Sikh State was to consist of the territories of "Central Punjab

with the Divisions of Lahore, Jullundur, parts of Ambala and Multan Divisions with the area comprised of Sikh States and Maler Kotla with certain hills in the North and North-East.”⁴

Whatever the merits and demerits of this scheme, it proved to be realistic and far-sighted in advocating an exchange of population. The Sikh leaders clearly saw that it would be impossible for the Sikhs in general to live in a purely Islamic State. The demand for a Sikh homeland rested on an implied assumption of an exchange of population. The Sikh States were to provide the facilities for such exchange. It was stated that a State Commissioner or Board was to be constituted to evaluate and purchase the property of the emigrant population on reasonable terms.”⁴

Mr. C. Rajagopalachari's Formula conceded the principle of the partition of the Punjab as he agreed to separate the “contiguous Muslim majority districts.” The Rajaji Formula stated . . . “a Commission shall be appointed for demarcating contiguous districts in the North-West and East of India wherein the Muslim population is in an absolute majority.”⁴ The Congress agreed to the principle that Muslim majority areas were to be given the right of self determination and they were not to be compelled to join the centre.

Regarding Rajaji Formula, Field Marshal Viscount Wavel, Governor General wrote to Mr. Amery, the Secretary of State for India on July 11, 1944. “. . . The second and more important development was the publication day or two ago of recent correspondence between Rajagopalachari and Jinnah . . . Rajagopalachari propounded a ‘formula’ which he said Gandhi was prepared to accept and would endeavour to put through Congress if Jinnah would also accept it . . . It appears to accept the principle of Pakistan but does so by providing for demarcation of “contiguous districts” in the North West and East of India in which Muslims are in absolute majority. If word district is used in the sense generally understood in India the demarcation would apparently relegate 11 districts, including Amritsar and about the same number of Bengal districts (including Calcutta to Hindustan”.”⁴

Sir B. Glancy, the Punjab Governor wrote to Field Marshal Viscount Wavel on 23rd August 1944, “If C.R. Formula were accepted - this would mean that twelve districts of Punjab (whole of Ambala and Jullundhur Divisions plus district of Amritsar would be excluded from Pakistan and such a dismemberment of Province would find new supporters among Punjabi Muslims.”⁴

Mr. Jinnah's Rejection of Partition Proposals

Mahatma Gandhi accepted the principle of partition of the Punjab when he wrote to Mr. Jinnah, President of the Muslim League, saying, “I proceed on the assumption that India is not to be regarded as two or more nations but one family consisting of many members of whom the Muslims living in the North-West zones, i.e., Baluchistan, Sindh, North West Frontier Province and that part of the Punjab where they are in an absolute majority over all other elements and in parts of Bengal and Assam where they are in an absolute majority, desire to live in separation from the rest of India. . . . The areas should be demarcated by a Commission approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through votes of the adult population of the areas or through some equivalent method. If the vote is in favour of separation, it shall be agreed that these areas shall form a separate State as soon as possible

after India is free from foreign domination.”⁵³ Mr. Jinnah, did not agree with Gandhiji because he opposed the partition of provinces. In a reply he argued that he did not want separation on the basis of plebiscite in which all inhabitants could participate but he wanted the issue to be decided on the basis of “self-determination confined to the Muslims alone.” He wrote to Gandhiji, “We claim the right of self-determination” as a nation . . . you are labouring under the wrong idea that self-determination means only a “territorial unit” Ours is a case of division and carving out two independent sovereign states by way of settlement between two major nations, Hindus and Muslims and not of severance or secession from any existing union.”⁵⁴ Again on September 25, 1944, Mr. Jinnah wrote to Gandhiji, “If this term were accepted and given effect to, the present boundaries of these provinces would be maimed and mutilated beyond redemption and leave us only with husk.”⁵⁵ After the failure of the talks with Gandhiji, Mr. Jinnah said to the representative of the London News Chronicle: “There is only one practical, realistic way of resolving the Muslim-Hindu differences. This is to divide India into two sovereign parts - Pakistan and Hindustan - by recognising whole of the North West Frontier Province, Baluchistan, Sindh, Punjab, Bengal, and Assam as sovereign Muslim territories as they now stand.”⁵⁶ It is significant to note that Mr. Jinnah accepted in 1947 almost the same terms and conditions regarding the Punjab and Bengal as were offered to him by the Rajaji Formula, and Gandhiji.

‘The Conspicuous Part’ by Dr. Mohammad Iqbal

According to Mr. Jinnah, Dr. Mohammad Iqbal “played a conspicuous part though it was not revealed at that time.”⁵⁷ In consolidating the Muslim League influence in the Punjab he convinced Mr. Jinnah of “a separate federation of Muslim Provinces” as early as in 1937 and explained him that “in order to make it possible for Muslim India to solve the problem it is necessary to redistribute the country and provide one or more Muslim states with absolute majorities.”⁵⁸ He also took effective steps to realise this objective. Dr. Iqbal had been persuading the Muslim members of the Unionist Party to join the Muslim League since 1936. He wrote to Mr. Jinnah in 1936 that the Muslim members of the Unionist Party were prepared to make following declaration: “That in all matters specific to the Muslim community as an all-India minority they will be bound by the decision of the League.”⁵⁹ A strong contingent from the Punjab is expected to attend the Lucknow session of the League. The Unionist Muslims are also making preparations to attend under the leadership of Sir Sikandar Hyat Khan.”⁶⁰

Sir Sikandar’s joining Muslim League particularly at a time when he had a solid majority of 119 members (95 Unionist including 74 Muslims - 13 Khalsa National Board and 11 National Progressive Party) in a House of 175 proved to be a blunder. By this action Sir Sikandar sounded the death knell of the Unionist Party of which he was the leader as he made the Muslim members of his party subject to the discipline of the Muslim League whose aims and objects were not identical with those of the Party.” The Unionist Party was devoted to inter-communal harmony while the Muslim League’s objectives were safeguarding the Muslim political rights” and “welfare of Indian Muslims” with the intention of acquiring Muslim ascendancy and Muslim domination. Sir Fazl-i-Husain, founder of the Unionist Party, firmly believed that any communal approach to the political tangle of the Punjab was likely to disintegrate the Unionist Party which was based on an economic

programme and mutual co-operation among all communities.⁵⁸ It was on this account that Sir Fazl-i-Hussain refused to accept the suggestion of Mr. Jinnah to join the Muslim League in 1936.⁵⁹ Sir Sikander's joining the Muslim League greatly enhanced the power and prestige of that party.

A political alliance, it has been significantly remarked is always a case of rider and horse. Mr. Jinnah ultimately played the rider. Sir Sikander had fundamental differences with Mr. Jinnah on the future constitution of India. Sir Sikandar had framed a scheme for an Indian Federation. According to his scheme, India was to be divided into seven zones and each zone was to have its Regional Assembly.⁶⁰ The Central Government was accordingly, to have limited powers. In the meeting of the Working Committee of the Muslim League on February 4, 1940, Sir Sikandar pleaded for two hours for the acceptance of his scheme but Mr. Jinnah rejected it on the ground that the Muslim League should confine its demands to the Muslim zones only and not to the whole of India.⁶¹ This resulted in the Muslim League's resolution of March 1940 which is known as the Pakistan resolution. Sir Sikandar disliked the idea of Pakistan and he irreverently called it 'Jinnahistan' as he was convinced that Pakistan would mean massacre in the Punjab.⁶² In this respect his estimate proved to be correct to a large extent. Perhaps, on account of the trouble created by the Khaksar movement and owing to the leanings of some of the party men towards the Muslim League, Sir Sikandar was always apprehensive that unless he walked warily and kept on the right side of Mr. Jinnah he would be swept away by a wave of fanaticism and was likely to be greeted with black flags wherever he went. Despite this he never reconciled himself with the Muslim League objective of Pakistan. He stated in the Punjab Legislative Assembly on March 11, 1941: "We do not ask for that freedom where there may be Muslim Raj here and Hindu Raj else where. If that is what Pakistan means I will have nothing to do with it. I have said so before and I repeat it once again here on the floor of House."⁶³ Subsequently he was so much disgusted with the policy of the Muslim League and its tactics that he asserted in the Punjab Assembly: "Let us above all show to the rest of the world that we in the Punjab stand united and will not brook any interference from whatever quarter it may be attempted. Then and then alone will be able to tell meddling busy bodies from outside hands off the Punjab."⁶⁴ Sir Sikandar, perhaps, did not want to risk his political career by quitting the Muslim League as it appeared to him very difficult to wean his followers away from the League camp where he himself had taken them. He, however, resigned from the Muslim League Working Committee in 1942."⁶⁵

Muslim League Influence Consolidated

After the death of Sir Sikandar in 1942, the Muslim League adopted a very firm attitude towards the Unionist Party. Mr. Jinnah asserted that the Ministry in the Punjab should be named the Muslim League Coalition Ministry instead of Unionist Ministry as all the Muslim members who constituted the majority in the Unionist Party were members of the Muslim League. Sir Khizar Hyat Khan, who succeeded Sir Sikandar, did not agree because he wanted the regime of the Unionist Party to continue as he had been agreed to under the terms of the Sikander-Jinnah Pact. Since Mr. Jinnah was very keen to have a Muslim League Ministry in the Punjab, he personally went to Lahore on the March 20, 1944 and asked Sir Khizar to persuade his non-Muslim colleagues to join the Muslim League Coalition.⁶⁶ The Sikh and the Hindu colleagues of Sir Khizar offered to cooperate with the

Muslim League primarily on the condition that "the idea of Pakistan is abandoned for the period of the war and, in order to enable all concerned to judge the merits of the scheme, its precise political and constitutional implications are fully explained and the geographical boundaries of the Punjab under the scheme of Pakistan as well as the principles, to be adopted for fixation of such boundaries, are indicated as clearly as practical." This was not acceptable to Mr. Jinnah who was of the opinion that minorities in the Punjab had no right to urge the League to compromise on issues of an all-India character as these matters did not come within their rights as provincial minorities."

This attitude of Mr. Jinnah towards the Punjab minorities especially the Sikhs, was fundamentally different from that of the Congress. The Congress considered the Sikhs an important minority of India as is clear from the Nehru Report whereas Mr. Jinnah always considered the Sikhs a provincial minority. This was one of the reasons why the Congress succeeded in winning over the Sikhs whereas the League failed.

Soon after Mr. Jinnah adopted a very firm attitude toward the Unionist Party and intimated the following terms of alliance to Sir Khizar Hayat Khan:

1. That every member of the Muslim League Party in the Punjab Assembly should declare that he owed his allegiance solely to the Muslim League Party in the Assembly and not to the Unionist Party or any other party.
2. That the present label of the Coalition namely the Unionist Party should be dropped.
3. That the names of the proposed coalition should be Muslim League Coalition Party."

The leader of the Unionist Party could not agree to such terms as it would have dealt a death blow to his party. Consequently the Muslim League members of the Punjab Assembly whose strength had risen from 1 to 22 crossed over to the opposition just before the dissolution of the Assembly for the election of 1946."

Muslim League Victory in Elections

The election of 1946 proved a turning point in the history of the Punjab. The Muslim League secured 73 seats of the Punjab Legislative Assembly out of 85 seats contested whereas the Unionist Party won only 19 seats out of 99. The Muslim League polled 75.26 per cent votes whereas the Unionist Party polled only 26.61 per cent votes. The League emerged as the largest party in the Punjab Legislative Assembly." Despite the Muslim League's victory in the election Sir Khizar Hayat Khan formed a coalition Ministry with the support of the Akali Party" and the Congress Party. He was right to some extent in foreseeing that the Muslim League with all its zest for Pakistan was not likely to come to terms with the non-Muslim political parties. He, therefore, formed a ministry as a matter of political expediency. But this had a very adverse effect on the Muslims of the Punjab who had been playing a leading role in the Punjab politics as their numbers entitled them to. Now for the first time their largest party found itself totally excluded by an undreamt of combination of the Congress, Unionist and Akali Parties. If Sir Khizar had not formed the ministry and the League leaders had been left with some hope of office, they would have been compelled, just in order to gain power, to adopt a more conciliatory attitude towards

the minorities. In that case they would have been less tempted to stir up strife.

The election results in 1946 had clearly indicated that the Muslims of the Punjab were solidly behind the Muslim League and were aspiring to establish Pakistan with the Punjab as one of its provinces. In that event the Sikh and Hindu minorities of the Punjab would have been left in Pakistan. In order to avoid this, the Sikhs and the Hindus of the Punjab insisted on the partition of Punjab. They demanded the creation of a 'Sikh-Hindu Province'. It was stated in *A Case for a New Sikh Hindu Province in the Punjab*: "If this demand is not conceded, it will mean the ruin of the Hindu martial as well as commercial classes under the permanent domination of those who believe in their being a separate nation. Similarly the Sikhs, 95 percent of whose world population resides in the Punjab, will become politically extinct. A people who, not hundred years ago, were the ruler of this land would become subservient to those whom they had conquered and ruled. This is unjust, unfair and preposterous and shall not be permitted. Therefore, by the right of self-determination, by the right of majority and by the inherent rights of a culturally homogeneous people to live their own life, the division of the Punjab is absolutely essential."⁷²

Partition Plan

The failure of the Cabinet Mission Plan paved the way for the success of Partition Plan. The Muslim League did not participate in the working of Constituent Assembly. There were many pulls and counter pulls in the Interim Government which prevented it to function as a homogeneous body. Lord Clydesmuir who officiated as Governor General during the absence of Lord Mountbatten in May 1947 observed "at that time relations between the Hindu and Muslim members of the Government had almost reached the breaking point. At the Centre there were a joint Cabinet in the name only."⁷³

According to Sir Penderel Moon Lord Wavel had played a significant role in the evolution of Partition Plan. The main significance of his Viceroyalty, lies in two fateful political decisions. "One of them was that India should be granted independence within eighteen months was taken at his instance and largely because of his insistence and was announced before he left the country. The other that India should be divided, though it was not actually taken and proclaimed by the British Government till some weeks after his departure but had in reality been reached by India's political leaders before he handed over to his successor. It was not a decision that he willed, desired, or advocated, indeed he greatly regretted it, but, as he realized and told the British Government as soon as he arrived back in England, partition had become inescapable; it was necessary sequel to the breakdown of his long and patient endeavours to reconcile within a united India the conflicting aims of the Congress and Muslim League."⁷⁴ By the time of his departure the embittered protagonists of these hostile parties had at least agreed that they should go their separate ways in India. The key members of the Congress who had earlier been adamant in their resistance to division, were by now convinced by experience in the Interim Government that collaboration with League in governing India was impossible and that it was best, therefore, to let the Muslims take those parts of country that on population basis they could indisputably claim.

Long before Cabinet Mission Plan on 27th December 1945 Lord Wavel sent to the Secretary of State an important Memorandum showing how he proposed to proceed in

regard to Pakistan issue. If at any state the Muslim brought about deadlock by their inflexible demand for Pakistan, he would tell Jinnah that if they persisted in his attitude the H.M.G. would have to take a decision themselves and their decision would be based on principle that large non-Muslim population could not be included in Pakistan against their will. This would mean that western Bengal including Calcutta and at least 2/5th of Punjab would have to be excluded from Pakistan.”

The appointment of Lord Mountbatten as new Viceroy and announcement of the fixation of date for transfer of power to Indian hands has a significant impact on the Punjab politics. Soon after Lord Attlee’s statement Sir Khizar yielded to the pressure tactics of Muslim League and resigned. There broke out communal riots in the districts of Rawalpindi, Attock and Multan. These terrible riots resulted in the extermination of the population of Sikhs and Hindus in the several villages. About his visit to Kahuta (District Rawalpindi) Lord Mountbatten wrote, “The whole of the Hindu-Sikh part is an absolute wreck, as though it had been subjected to an air raid.”⁷⁶ These riots convinced the Indian National Congress that the partition of Punjab was the only remedy. The Congress, therefore, passed the following resolution on April 8, 1947, stressing the partition of Punjab. “. . . these tragic events have demonstrated that there can be no settlement of the problem of the Punjab by violence and coercion and no arrangement based on coercion can last. Therefore, it is necessary to find way out which involves the least amount of compulsion. This would necessitate the division of the Punjab into two provinces so that the predominantly Muslim parts may be separated from the predominantly non-Muslim parts.”⁷⁷ Following the lead given by Congress the Hindu and the Sikh members of the Central Legislature belonging to the Punjab addressed a letter to Jawahar Lal Nehru with the request that their submission be endorsed by him and communicated both to the Viceroy and His Majesty’s Government. The letter ran “the Muslims and the non-muslims are equally balanced and no government can carry on without the support of three communities. Fortunately the population of the province is so divided that there are districts and contiguous areas where Muslims and non-Muslims predominate. We have given anxious and deep thought to this problem. After considering all its pros and cons we have come to the conclusion that the only way out of the present deadlock is to partition the Punjab into two provinces.”⁷⁸

The following points which formed the basis of the Partition Plan were circulated to the Governors of various provinces:

1. The provinces generally speaking to have the right of self-determination.
2. The Punjab and Bengal to be notionally divided for voting purposes to ascertain whether these were to be partitioned.
3. Predominantly Muslim Sylhet districts in Assam to be given the option of joining the Muslim province created by partitioning Bengal through referendum.
4. Referendum to be held in the North West Frontier Province on the issue whether it was to join one group of province or other.

The Governor of Punjab at that time was Sir Evan M. Jenkins who had spent most of his career in the Punjab and Delhi. He expressed his dissatisfaction with the plan and argued that it would leave for Jinnah a truncated Pakistan and it would cut the Sikhs in almost two equal halves. Mountbatten was, however, very optimistic of these two points. He said “in

the last analysis Jinnah would acquiesce and the only way the Sikhs could improve their position was through negotiations.⁷⁹ The Shromani Akali Dal had been demanding not only the partition of Punjab - separating all Muslim majority areas of West Punjab from the East Punjab but also exchange of population as is clear from its resolution passed on April 16, 1947. "Shromani Akali Dal demands that before transfer of power to the Indian hands in June 1948 the Punjab should be divided into two provinces. It further demands that the facilities be provided for exchange of population and property and that special arrangement be made for protection of honour, integrity and sanctity of historical and religious places."⁸⁰

In order to satisfy the Sikhs who have been considered the third important community by the Cabinet Mission Plan,⁸¹ some Britishers were exercising their mind. One such British Officer was Sir Edward Penderal Moon, ICS. He had served Indian Government from 1929 to 1944 and for some time he was the Deputy Commissioner of Amritsar. Later on he wrote a book entitled "*Divide and Quit*" and he was also co-editor in editing the monumental work entitled "*Transfer of Power 1942-47*" published by Her Majesty's Government in England. Moon made two proposals: first was the formation of Sikh dominated East Punjab and second was joining of East Punjab with Pakistan. While addressing Lord Ismay the Chief of the Staff of Lord Mountbatten he put forth a proposal that a Sikh dominated area might be formed in East Punjab wherein the Sikh population from West Punjab might be migrated. He argued "it will considerably facilitate matters if it can be so arranged that the new East Punjab has the strongest Sikh complexion and does not therefore, include Gurgaon, Hissar, Rohtak and Karnal."⁸² How practical was his first suggestion can be judged by the fact that ultimately there was exchange of Muslim and non-Muslims population in the East and West Punjab making East Punjab predominantly Sikh area especially after separating Hindi speaking areas from East Punjab viz., formation of Haryana as a separate state in 1966.

With regard to his second proposal viz., joining of East Punjab with Pakistan Sir Penderal Moon argued that Sikh-Muslim accord was the only solution of the problem. He wrote to Lord Ismay "without Sikh-Muslim Pact there will chaos in the Northern India."⁸³ In order to improve the position of Sikhs the Viceroy invited for dinner the Maharaja of Patiala and Mr. Jinnah, President of Muslim League who subsequently became the Governor General of Pakistan. Later Maharaja Yadvindra Singh of Patiala wrote about this meeting with Mr. Jinnah: "the talk started and offers were made: there were two aspects one was based on the idea of Rajasthan and the other for a separate Sikh state - Punjab minus one or two districts in the South. I was to be the head of the new Sikh State as in Patiala. The Sikhs would have, their own army and so on. I told Mr. Jinnah I could not accept either of his two proposals. . . . All these things sounded most attractive but I could not accept them being practical, and neither could I in the mood that I was in, change my convictions."⁸⁴

What are these convictions which prevented Sikhs to join Pakistan? For this purpose we have to understand the Sikh psyche. In all Gurdwaras they repeat the litanical prayer vic., "Hail all those who were cut to pieces, boiled alive in cauldrons and were tortured to death by removing their skins from their bodies." This refers to the Muslim rule of 18th century. It could not foster happy memories among the Sikhs about the Muslim rule. In the communal riots of March 1947 a large number of Sikhs and Hindus had been killed by Muslim fanatics. This made Sikhs bitter against the Muslims.

The Partition Plan was not comprehensive plan, as it lacked depth of penetration into some of vital problems of Punjab. No machinery was devised to make proportionate

adjustment in the Indus River System which irrigated about 26 million acres of land which was the source of livelihood for about 46 million people in the Indian Sub continent.” Whatever the merits and demerits of the Plan when agreed to by the major parties Lord Mountbatten decided to implement it and establish various organizations for that purpose.”

Punjab Boundary Commission

In the 3rd June Plan notional division of Punjab had been indicated which was subsequently incorporated in the Indian Independence Act 1947. It was subject to the changes to be made by the Punjab Boundary Commission Award. According to the notional division some districts were specified to be in the new province of West Punjab and the remainder of the districts were to be in the new province of East Punjab. In Section 9 of the 3rd June Plan it had been stated that Boundary Commission was to be appointed to demarcate the boundaries of the provinces to be partitioned. According to the announcement of the Governor General on the 30th June 1947 the following were appointed as members of the Punjab Boundary Commission.”

1. Mr. Justice Din Mohammed.
2. Mr. Justice Mohammad Munir.
3. Mr. Justice Mehar Chand Mahajan.
4. Mr. Justice Teja Singh.

With the consent of Mr. Jinnah, the President of Muslim League, Sir Cyril Radcliffe who was then the Vice Chairman of the General Council of the English Bar was appointed the Chairman of the Boundary Commission of Assam, Bengal and Punjab.” A significant change was brought about in the structure of the Commission. An amendment was introduced in the British Parliament in the Indian Independence Bill signifying that in section 4 “the expression Award means in relation to the Boundary Commission the decision of the Chairman of the Commission.”” It, however, cannot be denied that this amendment practically reduced the Punjab Boundary Commission to a one-man Commission. In a way it helped the smooth working of the Boundary Commission as the Muslim members and non-Muslim members were likely to be equally divided on account of the clash of their communal interests.

It was decided to have the following terms of reference in the Punjab Boundary Commission. “The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of the Muslims and non-Muslims. In doing so it will also take into account other factors.””

The Commission adopted the judicial procedure. All the parties were allowed to present their cases to the Commission. The Punjab Boundary Commission held public sittings from 21st to 31st July 1947 wherein the eminent lawyers pleaded their cases. Mr. Mohammad Zafar Ullah Khan, Mr. Seetavard and Mr. Harnam Singh appeared before the Commission in order to argue the cases on behalf of Muslim League, the Congress and the Shromani Akali Dal respectively.” The Muslim case mainly rested on the population majority in the disputed areas and it was asserted that the population majority was the basis to be taken into consideration while determining the boundary. It was argued that major political parties in India had agreed on the partition of the province on the basis of

“contiguous Muslim majority areas” because this basis was included in the 3rd June Plan itself. It was argued that the disputed districts of Lahore, Gujranwala, Sialkot, Sheikhupura, Lyalpur, Montgomery and Multan could not either in whole or in parts be taken away from the West Punjab because these districts were Muslim majority areas. Besides, the following tehsils from the non-Muslim majority districts were demanded for the West Punjab on account of Muslim majority population. Ferozepur and Zira tehsils (District Ferozepur), Nakodar and Jullundur tehsils (District Jullundur), Ajnala tehsil (District Amritsar), Batala, Shakargarh and Gurdaspur tehsils (District Gurdaspur).⁹² In case the line of argument followed by the Muslim members was accepted there would have been no straight line demarcating the boundary between East Punjab and the West Punjab and there would have been numerous pockets created in the East Punjab. Amritsar would have been left as island surrounded by Pakistan territory which would have created numerous administrative and international problems.

The non-Muslims case rested mainly on economic conditions as non-Muslims had played a major part in the development of central Punjab. The Bari Doab and more particularly the districts of Gurdaspur, Amritsar, and Lahore had been described by the historian and settlement officers as the ‘homeland’ of the Sikhs who owned more than 2/3 area and paid more than 2/3 as revenue in this tract.⁹³ The Hindus and the Sikhs had played a major role in the development of industry, commerce and trade of this region. It was argued that about 1/3rd of the Muslim population was not rooted in the soil and was essentially of a floating character consisting of *faqirs*, weavers, herdsmen, cobblers, potters, carpenters, oilmen, bards, barbers, blacksmiths, washermen, butchers and *marasis*. It was stated that according to Census Report of 1931 this class of persons numbered about 45 per cent.⁹⁴ In case the line of argument followed by the Hindu-Sikh members was accepted the main consideration would have been economic factor rather than population factor. It would have been contrary to the spirit and terms of the settlement arrived at between the two major parties, the Congress and the Muslim League viz. partitioning on the basis of contiguous Muslim majority areas.

The words “other factors” raised a lot of controversy. According to David Lloyd George the “other factors” as used in the Report of Peace Conference held after the 1st World War to determine boundaries of the new states meant “economic exigencies, historical association and vital strategic considerations.”⁹⁵ According to Orissa Boundary Commission (1928) “language, race attitude of the people, geographical position, economic interests and administrative convenience-all are relevant factors.”⁹⁶ The crux of the problem was to decide to what extent the population factor was allowed to dominate or to what extent other considerations like location of religious shrines of the Sikhs, disruption of the irrigation system and economic factors were to be allowed to play their part.

After the 31st July the Commission retired to Simla where Sir Cyril, who had gone to Calcutta to attend the meetings of the Bengal Boundary Commission also joined. The last meeting of the Commission was held in the premises of the Services Club Simla, Sir Cyril RADcliffe presided. Regarding fixation of the boundary he said, “gentlemen, you have disagreed and therefore, the duty falls on me to give the award which I will do later on.”⁹⁷

Punjab Boundary Award

The Boundary Awards for Bengal and Assam were announced earlier. The Punjab Boundary Award was announced on the afternoon of 16th August 1947. There were several reasons for this delay. Unlike Bengal and Assam Boundary Awards the Punjab Boundary Award was of crucial significance. The success of the entire Partition Plan depended upon its acceptance by both the parties. The time for its announcement was discussed in the staff meeting of Lord Mountbatten, where Mountbatten remarked that he would prefer to postpone its appearance until after the Independence celebrations, feeling that the problem of its timing was really one of psychology and that the controversy and the grief that it was bound to arouse on both sides should not be allowed to mar Independence Day itself.⁹⁹ It was considered advisable that the Punjab Boundary Award should be announced after the transfer of power so that the subsequent communal riots may be dealt with by the successor Governments and responsibility for the bloodshed should not rest with the British Government. However, the Viceroy explains the delay in the following words "the final Punjab Boundary Award was not completed by Sir Cyril Radcliffe until 13th August. As I was on the point of leaving for Karachi to attend the Independence ceremonies there on the 14th when it was submitted and on the following day saw the Independence ceremony in Delhi, I then held up the award until I could discuss it with Pt. Jawahar Lal Nehru and Mr. Liaquat Ali Khan on the 16th August."⁹⁹ Lord Mountbatten said in the staff meeting on 9th August, "Without question, the earlier it was published, the more the British would have to bear responsibility for the disturbances which would undoubtedly result."¹⁰⁰

The important communication which caused a lot of misunderstanding was the letter of Sir George Abell Private Secretary to Lord Mountbatten. It was addressed to Abbot Private Secretary to Sir Evan Jenkins, the Governor of Punjab. It was dated 8th August and it reads as follows: "I enclose a map showing roughly the boundary which Sir Cyril Redcliffe proposes to demarcate in his award and a note by Christopher Beaumont describing it. There will not be any great changes from this boundary but it will have to be accurately defined with reference to village and zail boundaries in Lahore District. The award itself is expected within next 48 hours and I will let you know about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point."¹⁰¹ This letter was written in response to Sir Evan Jenkins' letter demanding advance information for the boundary award. His Private Secretary had contacted George Abell for this advance information. He had pleaded that it had been previous practice of the British administrators to give advance information to the governments concerned regarding administrative decisions likely to effect them so that they might make necessary arrangements. Sir Evan Jenkins while asking for advance information forgot that the information required was relating to international boundary and it was no longer an internal problem of the province of which he was the Governor. Secondly Sir Evan Jenkins left the letter and map¹⁰² with Sir Francis Mudie, his successor, the Governor of West Punjab. By showing these documents to Mr. Jinnah and Mr. Liaquat Ali Khan, the Governor General and Prime Minister of Pakistan Sir Francis wanted to prove that the original award has been changed by Lord Mountbatten and that was the cause of delayed announcement.

Lord Mountbatten wrote to Lord Ismay regarding Abell's letter on 2nd April 1948 "so far as my memory serves me the first indication I had that the award was almost ready when George Abell informed me (it must have been on the 9th August) that he had sent up a note

to Jenkins the night before giving him a preliminary forecast of where the boundary was likely to be drawn. He did not consult me before sending the forecast nor did he show it to me because he said that it was done on staff level and that he had obtained it from Beaumont (Radcliffe's Secretary) mere to give Jenking an early warning of what was likely be coming. I might add that none of my personal staff nor John Christie whom I had consulted knew that forecast had been sent nor did I see the forecast as far as I remember."¹⁰³ In a telegram to Lord Ismay Mountbatten made the following comments about this letter and Sir George Abell "the point that arises here was that Abell sent the letter concerned without my Knowledge. It may be hard to convince people why it was so. It will look to have been as odd procedure."¹⁰⁴ In another letter to Sir Evan Jenkins dated 19th March 1948 Mountbatten stated "the information given in Abell's letter about the date when the award would be ready was, of course, wrong."¹⁰⁵

Sir Evan Jenkins in a letter dated 7th April 1948 to Lord Mountbatten in which he discussed the points of controversy which had arisen on the Punjab Boundary Award described the two documents in question as follows "the enclosures where a schedule (I think typed) and a section of a printed map with a line drawn thereon, together showing boundaries which included in Pakistan a sharp salient in Ferozepur District. The salient enclosed the whole of Ferozepur and Zira Tehsils". Jenkins also stated that "on about 10th or 11th August when we were still expecting the award on the 13th August at least, I received a secrophone message from the Viceroy's House containing the words "Eliminate Salient", this change caused some surprise."¹⁰⁶ Lord Mountbatten concluded, "but the assumption that can be drawn is that the line indicated in the document attached to Abells letter was only a tentative one and it was amended subsequently to balance the Bengal boundary line."¹⁰⁷ Sir Cyril Radcliffe later on Lord Radcliffe told the writer in 1964 that he had drawn several lines to determine the boundary between East and West Punjab. One such line was sent to Lahore but that was not the final line. The final line was in Punjab Boundary Award.

Lord Mountbatten in a personal letter dated April 2, 1948, wrote to Lord Ismay "I shall always be grateful to you for having cautioned me not to try and bring any direct influence to bear on Radcliffe concerning the actual award beyond expressing the following general view. So far as i remember I said to him that Sikh attitude had become rather worse than we had anticipated and when he was balancing the boundaries of East and West Pakistan I sincerely hoped that he would bear the Sikh problem in mind. I think I went so far as to say that if he was really satisfied that overall decision both East and West was absolutely fair to both the communities then I trusted that any generosity to pakistan should be more in Bengal than in Punjab since there was no Sikh problem in Bengal."¹⁰⁸

The main issue which subsequently emerged was whether tehsils of Zira and Ferozepur of District Ferozepur should have been included in West Punjab or in East Punjab. In the tentative sketch plan of partition and the forecast these two tehsils were allotted to West Punjab but in the actual award these tehsils were earmarked for East Punjab, My personal findings also confirmed that these two tehsils were first allocated to West Punjab then finally they were allocated to India. I had not known about the Sketch Map Incident when I presented my paper on Punjab Boundary Commission to late Mr. Justice Mehar Chand Mahajan and late Mr. Justice Teja Singh. Mr. Justice Mahajan advised me during 1959 that I should contact S. Harnam Singh who had pleaded the Sikh case and he would throw some light on the Punjab Boundary Award. In Jan. 1960 late Justice

Harnam Singh told me that these two tehsils had been allocated to India after his and Giani Kartar Singh's pleading with Major Short who contacted Lord Mountbatten and persuaded him to satisfy the Sikhs. However, it is not clear whether Lord Mountbatten could be influenced by Major Short.

Punjab Boundary Force

Lord Mountbatten was very keen to maintain law and order for implementation of 3rd June Plan. He, therefore, asked the Commander-in-Chief on the 10th July 1947 to prepare a plan of action in the event of possible clashes or disturbances in the neighbourhood of boundaries between two Dominions. The Commander-in-Chief C.J. Auchinleck recommended to the Governor General that the Joint Defence Council should have the authority of both India and Pakistan Governments to declare any affected district to be a disturbed area.¹⁰⁹ This could not be accepted because, according to the Government of India Act 1935, law and order was a provincial subject and the Central Government was not empowered to declare any area of British India as a disturbed area. Fortunately, the Punjab Government had its own Punjab Disturbed Area Act 1947 which was already in force in certain districts of the Punjab. It was decided that Viceroy's staff in consultation with the representatives of East Punjab and the West Punjab Governments and the Governor of Punjab should decide the areas which were to be declared as 'disturbed areas.' The proposals of Commander-in-Chief were discussed on the 17th July in the meeting of Partition Council, where Commander-in-Chief had been specially invited. During the course of discussion it was made clear that there was no need of establishing any special military force in Bengal. Such force was required only in Punjab, where situations was reported to be tense. The following decisions were made regarding the Punjab Boundary Force:

1. "That action to deal with disturbances in the neighbourhood of the boundaries between two dominions on or after 15th August should be on the lines suggested by the commander-in-Chief."
2. "That Major General Rees commander of the 4th Division should be appointed as Joint Commander on behalf of both dominions to control all troops in the defined areas in the Punjab."
3. "The troops should be in position by the 7th or 8th August at the latest."
4. "There should be no change in the law governing the use of troops in aid of civil power after the 15th August."¹¹⁰

The following districts were declared as disturbed areas and were included in the zone where Punjab Boundary Force was to operate Sialkot, Gujranwala, Sheikhupura, Lyalpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepur and Ludhiana.¹¹¹ The area entrusted to the Punjab Boundary Force constituted 12 districts. This area was larger than the area of Scotland and Wales combined. It included 26 towns and nearly 17,000 villages with area of about 37,500 sq. Miles.¹¹² It was found too big an area for two Divisions of Punjab Boundary Force to control. *The Civil and Military Gazette Lahore* commented that the situation had been so grave that had the entire force of India and Pakistan been employed it could not have brought it under control.¹¹³ Under these

circumstances the Punjab Boundary Force could not work efficiently. It was, therefore, decided in the Joint Defence Council's meeting held on 25th August at New Delhi that the area covered by the Punjab Boundary Force should be reduced as rapidly as practicable.¹¹⁴

The Punjab Boundary Force did its best to quell ever increasing lawlessness but with little success. Some of the most gruesome tragedies were enacted in the area entrusted to it by its own units because the military force under General Rees was infected with communalism. The Biloch Regiment, a Muslims Force worked havoc in the town of Sheikhpura in the West Punjab, where hundred of Hindus and Sikhs were massacred. Subsequently Officer-in-Charge of this Regiment was arrested pending Court Martial and the troops were confined to barracks and C.O. was suspended.¹¹⁵ Chief Minister of East Punjab, Dr. Gopi Chand Bhargava, wrote to Pt. Jawahar Lal Nehru, Prime Minister of India, "I have received complaints of atrocities and excesses committed by Muslim military both in Jullundur and Gurdaspur Districts.... A Magistrate in Gurdaspur has been reported to be killed and the military helps these excesses. I would, therefore, suggest that you wire General Rees as well as commander-in-Chief to withdraw his military."¹¹⁶

Sir Francis Mudie, Governor of West Punjab, was not at all satisfied with the working of the Punjab Boundary Force. He wrote very strong letter to the Governor General of India urging him to abolish this force and entrust the responsibility of law and order to the Governments concerned.¹¹⁷

The meeting of the Joint Defence Council was held on 29th August. It was attended by all important personages in India and Pakistan. It was decided that the task allotted to the Punjab Boundary Force for helping to maintain law and order in the disturbed area has now grown out of all proportion to the responsibilities originally placed upon it. This force should be abolished from the midnight of 31st August 1947.

The abolition of the Punjab Boundary Force was a bold and wise step. It ended joint control and placed the responsibility of maintaining law and order in their respective areas on the Indian and Pakistan Governments. Since communal rioting was not confined to the districts under the control of the Punjab Boundary Force it enabled both the East Punjab and the West Punjab Governments to deal with the situation as a whole. Moreover after 15th August, the Punjab Boundary force was the only force left which had Muslim, non-Muslims and mixed troops. In that vitriating atmosphere of communal rioting this force could not remain immune from communal frenzy and act according to the traditions of impartiality. Alan Campbell Johnson wrote, "Steady and experienced troops began to feel the tug of communal loyalties deeper even than their military discipline."¹¹⁸

It is estimated that it would have been very difficult even for a strong provincial administration working at high peak of efficiency to curb the communal riots in August 1947. The complete breakdown of the civil administration on both sides of the border made it difficult for the Punjab Boundary Force to carry out their most ordinary duties.¹¹⁹

Different opinions have been expressed about the Punjab tragedy. According to Malcolm Darling "the tragedy of the Punjab could have been foreseen and we should not have handed over millions of helpless peasants, for whose welfare we were responsible, to anarchy and ruin."¹²⁰ Federal Moon had rightly lamented as to why "the ending of British Raj which we have so long proclaimed as our goal should involve a last minute division of the country, the precipitate, enforced migration of well over ten million people and casualties of the order of 2,00,000." he had described this as "a singular want of prevision and failure of statesmanship."¹²¹

On the other hand E.W.R. Lumby states in the *Transfer of Power in India*, Lord Mountbatten's handling of situation had been criticised but "he certainly cannot be charged with any failure in speed and determination."¹²² It was a huge task which was accomplished by Lord Mountbatten within a short period. V.P. Menon writes "here was a task which normally should have taken years to accomplish but which had to be compressed into the short space of a few weeks. It was a task before which anybody could have quailed..."¹²³

Malcolm Darling has observed "Had Hindus and the Muslims alone been concerned, the division of Punjab might have been affected without bloodshed."¹²⁴ The Sikhs were as determined to prevent domination by the Muslims as Muslims domination by the Hindus, Lord Mountbatten appears to have tried to solve the Sikh problem. The Working Committee of the Shromani Akali Dal and the Panthic Prathinidhi Board jointly passed a resolution on June 14, 1947, emphasising that "in the absence of provision of transfer of population and property, the very purpose of partition would be defeated."¹²⁵ In pursuance of the demand of exchange of population Lord Mountbatten wrote to Pt. Jawahar Lal Nehru on the 4th July 1947 "as a result of discussion I have had from time to time with the Sikhs leaders I should like to put to you their point of view."¹²⁶ One of the demands of the Sikhs which was recommended by Lord Mountbatten was the transfer of population. Similar letter was written to Mr. Jinnah who did not reply. Pt. Jawahar Lal Nehru replied in his letter dated 17th July 1947 "the question of transfer of population does not rise immediately, if the people concerned desire it, it must be seriously considered."¹²⁷ When I asked Lord Ismay why Partition Plan was not so comprehensive and consequently there rose a number of problems. His reply was that Partition Plan was drawn up within two months and for comprehensive plan we required more time. Had more time been given and power had been transferred in June 1948, as was declared by Lord Attlee, the results might have been better. About Indian Independence Bill, The Times, London commented "never before in the long annals of Parliament of Westminster has a measure of this profound significance been accorded a passage at once so rapid and so smooth. The Commons had the unusual experience of seeing a Bill piloted through the Committee stage by the Prime Minister."¹²⁸ When writer discussed with Lord Attlee the causes of bloodshed, which followed the transfer of power, the latter remarked that "the government at that time bogged down as Mr. Jinnah could not rise to the occasion."¹²⁹ Had Mr. Jinnah softened his attitude and allowed the Muslim League leaders to come to some understanding with Hindu and Sikh leaders - out of court agreement as Sir Evan Jenkins suggested - the results would have been different. When Lord Ismay asked Mr. Jinnah to issue the statement assuring the Sikhs that Pakistan was as much theirs as that of Muslims, he refused.¹³⁰ The Sikh leaders were equally shortsighted. After accepting the 3rd June Plan S. Baldev Singh said, "If verdict of the Boundary Commission went against the Sikhs, they should be prepared to make all sacrifices to vindicate the honour of the Panth."¹³¹ He could not foresee that actual boundary line was not to be much different from the notional division. The various issues raised by the Sikh leaders subsequently should have been pressed before agreeing to the 3rd June Plan.

The last portion of the book deals with the documents relating to aftermath of partition of Punjab 1947. The partition of Punjab "enforced movements of people on scale absolutely unparalleled in history of world."¹³² "There must be many examples in the bloody history of mankind where the extent of violence has been as great or even greater but it is probably true that there has never been such a huge exchange of population,"¹³³ says Harace

Alexander. According to Stephen P. Landas, the Convention of Nevely 1929 between Bulgaria and Greece and the Convention of La-Usanna 1923, between Greece and Turkey both "caused the uprooting of two million people."¹³⁴ But in the case of East Punjab and the West Punjab, more than eight millions people crossed the border.¹³⁵ The exchange of population between Turkey and Greece, hitherto known as the biggest of its kind was accomplished in a year or so, whereas in the East Punjab and the West Punjab the transfer of eight millions people was completed in three months.¹³⁶ In Bulgaria and Greece, the national minorities had the "right of leaving the country of origin and emigrating to the other country under conditions which would guarantee them full value of properties left behind,"¹³⁷ whereas in the East Punjab and the West Punjab, the minorities were made to quit their hearths and homes in the most adverse circumstances, created by communal riots and they had to reach the country of their destination very often as paupers. According to Andrus, "The massive exchange of population that attended the partition of the Subcontinent and the conditions under which it took place are almost unprecedented in history."¹³⁸

Establishment of Military Evacuee Organisation

On account of the communal riots spreading in a chain reaction, there were a large number of displaced non-Muslims and the Muslims to be evacuated in the East Punjab and the West Punjab. To begin with, a hundred trucks were placed at the disposal of the Deputy High Commissioner of India in Lahore.¹³⁹ The East Punjab Government supplemented this arrangement with the appointment of a Liaison Officer at Lahore, and a Transport Controller at Amritsar who was provided with one hundred trucks. The latter was to plan out convoys in consultation with the former. But soon, it was found that this arrangement afforded no protection to the refugees, because there was no machinery to prevent attacks from hostile mobs on the convoys in the West Punjab. It was, therefore, decided to entrust this work of evacuation of refugees to the military. The East Punjab Area Head Quarters at Lahore was converted into the Advance Military Evacuees Organization and a separate command, known as Military Evacuee Organization was established at Amritsar on the 2nd September, 1947.¹⁴⁰ A similar organisation was established by the Pakistan Government to evacuate Muslim refugees from the East Punjab.¹⁴¹

It was decided on 7th September 1947,¹⁴² at the third meeting of the Emergency Committee of the representatives of India and Pakistan held in New Delhi that:-

- “(a) The situation in the Punjab has developed in such a way that mass movement of Muslims from East Punjab and non-Muslims from West Punjab has become inevitable.
- “(b) The Governments of India and Pakistan have, therefore, decided that the movement of these people from East to West Punjab and vice versa is to have first priority. They have agreed to co-operate with each other on this matter to the fullest extent and to take all steps to ensure that the movements in both directions are completed with greatest measure of security.
- “(c) The Government of India and Pakistan are resolved to use all available resources to expedite and secure the safety of these movements and they have armed themselves with most drastic powers to ensure that wrong-doers are summarily dealt with in the severest manner.”

At a further conference, the representatives of India and Pakistan and those of the East and West Punjab Governments reiterated their policy and declared:-

- (a) The immediate task to which the Governments must devote all their resources and energy is to give protection to all refugees and evacuees in both West and East Punjab and to set safely across the border all those who desire to cross over to either side.
- (b) Both Governments have undertaken the responsibility for refugee camps for Muslims as well as non-Muslims.
- (c) The evacuation from East and West Punjab will be organised by the military authorities of Pakistan and India, respectively, with proper escorts. Liaisons officers will be appointed by both Governments in as many districts as possible to assist the refugees and maintain contact with the civil and military authorities."¹⁴³

The Prime Minister of India at the fourth meeting of Emergency Committee on 8th September 1947 made it clear that the "primary allegiance of the head of M.E.O. should be to the C-in-C of Indian Army rather than to the Minister of Refugees."¹⁴⁴

The Military Evacuee Organisation was to perform the following duties:-

- i. to assist in the collection of non-Muslims from scattered villages to subsidiary bases.
- ii. to move under military protection refugees from the subsidiary bases to concentration camps.
- iii. to guard non-Muslim camps against raids by Muslims.
- iv. to assist the civil authorities in providing means of substance in concentration camps.
- v. to arrange transport for the move from concentration camps to refugee centres in India, and
- vi. to provide protection en route."¹⁴⁵

On the 2nd September of 1947, when the 1st of M.E.O(I) HQ. arrived in Amritsar only fifty to sixty dilapidated civilian lorries driven by civilian drivers were registered by the M.E.O.(I) through the civil officers for the evacuation of the non-Muslim refugees. Obviously if the task had to be completed quickly it was necessary to acquire more transport. As military transport was not immediately forthcoming M.E.O.(I) got down to organise the civilian transport. Eventually a fleet of approximately 200 civilian vehicles was organised into four civilian Bus/General Transport Companies."¹⁴⁶

During the period between 2nd September and the first week of October work went on at high speed and succour was provided to millions, medical aid was rendered to the sick and the wounded and food was procured and distributed to starving men, women and children.

In the beginning of October more troops were placed at the direct disposal of M.E.O.(I) by the Commander of 4th Infantry Division who had by then been redesignated as Commander East Punjab Area.

During November, this work continued at great speed and by 8th December, the bulk of the non-Muslims had been evacuated from the West Punjab. And when this main task

had been completed the thinning of the M.E.O.(I) started from 2nd December onwards.

A nucleus M.E.O.(I) organisation continued till 23rd August, 1948 and evacuated the numerous pockets and abducted girls and converted persons from Pakistan.¹⁴⁷

Establishment of East Punjab Liaison Agency

On account of the suddenness of the forced migration of the members of the minority communities, there were left different categories of people to be evacuated. A large number of persons had been forcibly converted. Owing to the continuance of disturbed conditions and communal riots, a very large number of women and children had been abducted on both sides of the border. The refugees in the East Punjab and the West Punjab who had recently migrated wanted to recover their relations, movable properties, bank lockers, etc. It was, therefore, felt necessary that there must be some organisation which should be entrusted with such work. The East Punjab Government and the West Punjab Government, therefore, established Liaison Agencies for their respective provinces. Under a Chief Liaison Officer in each state, there were appointed District Liaison Officers and each District Liaison Officer was to work in a district placed under him. The East Punjab Liaison Agency had its headquarters at Lahore and it worked for more than a year.¹⁴⁸

Forcible Conversions

The most urgent and immediate task before the East Punjab Liaison Agency was to evacuate the persons who had been forcibly converted in the West Punjab. "More than two lakhs of people had become converts in order to save their skins, their property and their girls from abduction."¹⁴⁹ According to the District Liaison Officer, Gujranwala, "the non-Muslims had embraced Islam as a matter of expediency in the hope that some day Hindus would come back to Pakistan and the old order would be re-established."¹⁵⁰ In Multan, "thousands of non-Muslims became converts to Islam in order to save their lives and the honour of their females. The assessed estimate of converts was 5000."¹⁵¹ In the District of Mianwall, about 5000 persons were forcibly converted.¹⁵² In Dera Ghazi Khan, "All the converted men and had very sad tales to tell. Even men as old as forty had to undergo the pain of the conversion ceremony, resulting in profuse bleeding" due to circumcision.¹⁵³

Recovery of Abducted Women

The Governments of India and Pakistan in their meeting held on the 6th December, 1947 took the following decisions regarding the recovery of abducted women and children:

1. Conversion of persons abducted after the 1st March 1947 was not to be recognized and all such persons were to be restored to their respective Dominions even against the wishes of persons concerned.
2. The primary responsibility for the recovery of abducted persons was to rest with the local police.
3. Social workers were to be associated actively with the scheme. The D.L.Os. were to supply information regarding abducted persons to be recovered.¹⁵⁴

The decisions to alleviate the sufferings of women folk, who had suffered most during the partition of the Punjab were, however, indifferently acted upon. A very large volume of the correspondence between the high officials of the East Punjab and the West Punjab indicates that the police officers in both the Punjabs acted partially in favour of their own community while recovering the abducted women. The Deputy High Commissioner for Pakistan wrote to the Chief Secretary, East Punjab: "One has written to say that his daughter aged 13 years has been kept by one . . . son of . . . Jat of village Bhoma District Amritsar. In reply to his request for the recovery of the girl he was informed by the Indian Military authorities (copy attached) that his daughter did not wish to leave her husband."¹⁵⁵ "The District Liaison Officer, Campbellpur reported that the Deputy Commissioners of Campbellpur and Rawalpindi Districts were not handing over the recovered abducted women and girls because they had been handed over to the Azad Kashmir Government."¹⁵⁶ In some cases, the police officers in various districts had openly declared that it was their duty to see that proper regard was paid to public opinion. When recovered, their statements recorded and the recovered women and girls were returned to their abductors by the district authorities,¹⁵⁷ as it was said that they did not wish to leave their abductors.

Legislation for the Recovery of the Abducted Persons

The East Punjab Liaisons Agency was closed on the 30th November 1948 along with the women Recovery Organization which was associated with it. The work of the recovery of abducted women was brought under the Ministry of External Affairs in India and Pakistan. So far, there had been no special legislation for the recovery of abducted women. The Indian Government, however, established elaborate machinery for the recovery of the abducted persons. An ordinance called "Abducted Persons Recovery and Restoration Ordinance" was promulgated on January 31, 1949, and was subsequently replaced by the Abducted Persons Recovery and Restoration Act 1949. One of the principal features of this Act was that it adopted a more comprehensive definition of the term "abducted" than the one already provided in the Indian Penal code.¹⁵⁸ Another important aspect of this legislation was the provision for setting up of an Indo-Pakistan Tribunal to decide the disputed cases of the abducted women. Camps for the stay of the recovered persons were to be established. This Act applied only to the "affected areas" viz. U.P., East Punjab, Delhi, Patiala and East Punjab States Union and the United States of Rajasthan. A special provision was made to enable the recovery of the abducted women from the other states in India. The co-ordinative officers and staff were appointed to assist the police in the recovery of the abducted persons. Social workers were also associated with this work.¹⁵⁹ There was, however, no corresponding legislation regarding the abducted persons in Pakistan.

The abductors in Pakistan adopted several methods to evade the Indian recovery officers. Along with the abducted woman they shifted from the West Punjab to those districts adjoining the Jammu and Kashmir territory, entry to which was banned to the Indian officials on account of hostilities in Kashmir.¹⁶⁰

According to the provisions of the Abducted Persons (Recovery and Restoration) Act, no option was to be given to any recovered person, he or she had to be sent to the other country. With the passage of time it was found that recovered persons were often loath to be sent across the border. The forcible restoration of such recovered persons resulted in great hardship to them as also to their children who were deprived of the affection and care

at least of one parent. It was, therefore, decided in the Indo-Pakistan Conference held in May 1954 that suitable means should be devised with a view to ensuring that no abducted persons was forced to go to the other country against her will. By this decision, special homes were instituted in both the countries where unwilling persons could be lodged and given full facilities to meet their relatives and to make up their minds without fear or pressure. It was only after a sufficiently prolonged stay in such homes that the final wishes of the recovered persons were ascertained by the Indo-Pakistan Tribunal. In that case, if a recovered woman refused to go to the other country she was not forced to do so.¹⁴¹

Discontinuance of the Recovery Work

The Abducted Persons (Recovery and Restoration) Act continued to be renewed every year upto 1957. By then, the abducted women began to show increasing reluctance to go to the other country after leaving their children. By the Indo-Pakistan Government decision of 1954, they could not be forced to go to the other country against their wishes. Secondly, the most serious consideration which prevented the Government of India from renewing the Abducted Persons Recovery and Restoration) Act of 1949 was the problem of the post-abduction children. During the period from January 1, 1954 to September 30, 1957, no fewer than 860 children were left behind by the Muslim women restored to Pakistan, where as 410 children were taken by them. These children created problems for the State which had to take care of them.¹⁴²

Canal Water Dispute

The Radcliffe Award disrupted the canal system in the Punjab with the resnet that there was canal water dispute between India and Pakistan. It was settled by the Indian Water Treaty in 1960.

FOOT NOTES

1. Sir Malcolm Darling, *At Freedom's Door*, London, 1946, Page XII.
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3. Report of Franchise committee, *Indian Constitutional Reforms*, Calcutta, 1919, page 317.
4. *Partition Proceedings*, Govt. of India, Vol. VI, page 186 Vide Document no 128 and 130.
5. *Census of India 1921*, Vol. XV, Part I, page 358.
6. Idem.
7. *Sikh Memorandum to the Punjab Boundary commission*, Vide Document no 104 . pp.Vol VI, p.27
8. Sir Malcolm Darling, *Punjab Peasant in Prosperity and Debt*, page 154.
9. *The Punjab Administrative Report*, 1922-23, page 3.
10. Report of the Punjab Committee, constituted to confer with the Indian Statutory Commission. *Report of Indian Statutory Commission*, Vol. III, page 455.
11. S. Ujjal Singh and S. Sampuran Singh's Memorandum, *Indian Round Table conference*, Vol. III, Appendix N, Page 1400.
12. *Ibid.*, page 1400.
13. Moti Lal Nehru Report, *All Parties Conference 1928*, p.57.
14. *Census of India, 1921*, Vol. XV, Part I, page 258.
15. *Indian Annual Register 1924*, Vol. II, pages 26 and 422
16. Lala Lajpat Rai, The Communal Problem, *The Tribune*, Lahore, dated 21st December, 1924.
17. *Pakistan- The Fatherland of Pak Nations*, 3rd Edition, 1946, page 217, Chowdhury Rehmat Ali's references in this book at pages 217, 218 and 223 indicate that Lala Lajpat Rai had first suggested partition of India which appears to be wrong as nowhere else we find Lajpat Rai referring to the partition of the Punjab or India.
18. Sir Geoffrey Corbett, The Communal Problem in the Punjab, *Indian Round Table Conference*, Vol., III, Appendix No, XV, p. 1431.
19. *Census of India 1941*, Vol. Punjab, pages 43-44.
20. The Report of the Punjab Committee, *Indian Statutory Commission*, Vol. III, page 410-11.
21. Memorandum of S. Ujjal Singh and S. Sampuran Singh, *Indian Round Table Conference*, Government of India publication, 1932, Vol. III, page 1400.
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23. Nawab Sir Muhammad Shah Niwaz Khan, A Punjabi, *Confederacy of India*, Lahore, 1939, page 243, 244 & 249.
24. Dr. Rajendra Prasad, *India Divided*, 3rd edition, Bombay, 1947, page 189.
25. Prof. R. Coupland, *The Future of India*, Report on the Constitutional Problem of India 1944, Vol. II, page 8.
26. Dr. Syed Abdul Latif's letter dated 8th March, 1941, - *Pakistan Issue*, Nawab Nazar Jang Bahadur, Lahore, 1945, 98.
27. *Indian Annual Register 1940*, page 357.

28. Vide Document no. 2. *Infra*.
29. Brecher, *Nehru, A Political Biography*, London, 1959, page 278.
30. Choudhary Khaliqazzaman, *Pathways to Pakistan*, Orient Longmans, Pakistan, page 277.
31. *Ibid.*, page 277.
32. Vide Document no 3. *Infra*.
33. *Ibid.*,
34. *Ibid.*
35. Vide Document No 4. *Infra*.
36. *The Tribune*, dated December 2, 1942.
37. *Transfer of Power*, Nicola Mansergh and E.W.R. Lumby, London, Vol. II, Document 243, p.359.
38. *Swagti Address*-Azad Punjab Conference Amritsar (Punjab), 28th Feb. 1944.
39. *Azad Punjab* (Punjabi) Bhai Kirpal Singh Balbir Singh Amritsar, p.83.
40. *Shiromani Gurdwara Parbhandak Committee da Panjajsala Itihas*, S.G.P.C., Amritsar- 1982, p. 206.
41. Document no 4. *Infra*.
42. Literally Panth means path but the term is applied to the Sikhs collectively.
43. Harnam Singh, *The Idea of Sikh State*, page 27 & 46
44. Sadhu Sawrup Singh, *The Sikhs Demand Their Homeland*, Lahore, 1946, pages 71-73.
45. Vide Document no. 6 *Infra*
46. *Transfer of Power*, Vol.IV, London, Document No. 574, p.1077-78.
47. *Transfer of Power*, Nichola Mansergh and E.W.R. Lumby, London, Vol. IV, Document No. 660, p. 1223.
48. Gandhiji's letter dated 24th September, 1944, *To the Protagonist of Pakistan*, p. 132-33.
49. Mr. Jinnah's letter dated 21st September, 1944, *Mahatma Gandhi, Last Phase*, Ahmedabad, 1958, Vol.I, page 95.
50. Mr. Jinnah's letter dated 30th September, 1944. S.D.I.C., Vol.II, page 551.
51. Hector-Bolitho, *Creator of Pakistan*, London, page 161.
52. *Our Struggle, 1857-1947*, Pak. Govt. publication, Appendix II, Introduction.
53. *Ibid.*, Letter of Dr. Iqbal, dated June 21, 1937.
54. *Ibid.*, letter dated May 28, 1937.
55. *Ibid.*, the letter dated June 25, 1936.
56. *Ibid.*, the letter dated October 7, 1937.
57. Press Information Bureau Series No. 21, dated March 5, 1946, page 1.
58. Azam Hussain, *Fazl-i-Hussain*, Bombay, 1946, page 345.
59. Mohammad Noman, *Muslim India*, Allahabad, 1942, p. 330.
60. S.D.I.C., Vol. II, page 455-56.
61. Khaliqazzaman, *Pathways of Pakistan*, page 234.
62. Penderal Moon, *Divide and Quit* London 1961, page 20.
63. *Punjab Legislative Assembly Debates*, dated March 11, 1941.
64. *Ibid.*,
65. Khaliqazzaman, *Pathways to Pakistan*, page, 280.
66. *Ibid.*

67. *Ibid.*, page 323.
68. Press Information Bureau, Government of India Series No. 21, dated 5th March, 1946, page 5.
69. *Ibid.*
70. Press information Bureau Series No. 22, dated March 5, 1946, Pages 5, 10, and 12. The relative strength of the various parties just after elections of 1945-46 was:

Muslim League	73 seats	Akali	21 seats
Unionist	19 --	Independent	11 --
Congress	51 --	Total seats	175
71. The Akali Party was formed of the reformist Sikhs who wanted to reform their religious shrines. After the enactment of the Gurdwara Act, 1925, the Akali Party entered politics, in the elections of 1937, the Akali Party won 10 Sikh seats. In the elections of 1945-46 it secured 21 seats. *Ibid.*
72. Giani Kartar Singh, *The Case for a New Sikh-Hindu Province in the Punjab*, Delhi, 1946, page.9. According to the statement of late Dr. M.S. Randhawa, ICS, this pamphlet was written by Dr. Randhawa and was published in the name of Giani Kartar Singh. Dr. Randhawa's statement is preserved in Oral History Cell, Panjabi University, Patiala.
73. Lord Clydesmurir, *Transference of Power in India*, Asiatic Review, London, October, 1948.
74. *Wavel-The Viceroy's Journal*, edited, Penderal Moon, London 1973 introduction Page XI.
75. R.J. Moore, *Escape From Empire*, Claredon Press, Oxford, 1983, page 60. Also, *Wavel-the Viceroy's Journal*, Cit. op., page 199.
76. Viceroy's Personal Report No. 5, dated 1st May, 1947 IORL/PO/6/123: BOL: PO/433.
77. *Indian Annual Register*, 1947 Vol.1, page 118-119. Vide Document no. 13. *Infra*
78. I.O.R. M.B. 124, *Partition Proceedings*, Volume VI, Government of India Publication, page 234. Vide Document No. 22. *Infra*.
79. Alan Campbell Johnson, *Mission with Mountbatten*, London, 1951, page 85.
80. M.B.120 Dy, No. 1497 GG dated 23.4.1947, file India Office Library, London. Document no 25 *Infra*.
81. Statement of Cabinet Mission & Viceroy 16th May 1946- *Indian Constitutional Documents and Munshi Papers*, Bhartya Vidya Bhawan, Bombay, 1967, page 28.
82. Document no 73. *Infra*.
83. *Ibid.*,
84. Maharaja Yadvindra Singh of Patiala, 'I Remember Jinnah's Offer of Sikh State' *Sunday Tribune Ambala*, July 19, 1959.
85. *Indus Water Dispute*, Government of India, page 2-6. Appendix I
86. For more details also see the chapter "Partition Plan" in my book entitled *Partition of Punjab* published by Punjabi University, Patiala. 2nd and revised Edition 1990.
87. The Gazette of India Extra-Ordinary, Notification dated June 30, 1947, *Partition Proceedings*, Volume VI, page 8., Document no 72 *Infra*
88. Alan Campbell Johnson, *Mission with Mountbatten*, London, 1951, page 124.
89. *Hansard*, Vol. 440, page 76.

90. *Partition Proceedings*, Vol. VI, Gazette of India Extraordinary June 30, 1947, page 8. Documentation 72. *Infra*.
91. Also see my book, "*Partition of Punjab*", published by Punjabi University, Patiala. pages, 83-87.
92. *Partition Proceedings*, Volume VI, (Report of Justice Din Mohammad), pages 231-234. Document no.133. *Infra*
93. *Ibid.*, (Report of Justice Mehar Chand Mahajan), page 176. Document no.128. *Infra*
94. S. Harnam Singh, *Sikh Memorandum to the Punjab Boundary Commission* Page 60-61. Document no, 104, *Infra*
95. David Lloyd George, *Truth About Peace Treaties* Volume II, p.912.
96. S. Harnam Singh, *Sikh Memorandum to the Boundary Commission*, p. 4. Document 104, *Infra*
97. Justice Mehar Chand Mahajan, *Looking Back*, page 115.
98. *Mission with Mountbatten*, Alan Campbell-Johnson, London 1972, page 152.
99. *Ismay Papers*, Ismay III/7/136, Kings College, University of London, London. Document no 237 *Infra*
100. *Transfer of Power*, Volume XII, Document No. 389, page 600 and 601.
101. *Transfer of Power*, Volume XII, Document No. 377, page 579. Document no 139, *Infra*
102. The map has since been published, vide *Partition of Punjab*, Volume IV, National Documentation Centre, Pakistan, Lahore, 1983, page 2.
103. Ismay III/7/136, Centre for Military Archives, Kings College, University of London, London. Document no 237. *Infra*
104. I.O.R./L/PFJ/10/119, India Office Library, London.
105. *Ibid.*, Document no 236, *Infra*
106. *Ibid.*, Jenkins' letter to Mountbatten dated 7th April 1948. Also footnote Document 377, *Transfer of Power* Vol.XII. Document no. 238. *Infra*
107. *Ibid.* Mountbatten's letter to Jenkins dated 19th March, 1948. Document no 236, *Infra*
108. Ismay II-7/246, Centre for Military Archives, Kings College, University of London, London. Document no 237, *Infra*
109. Document no 98, *Infra*
110. *Partition Proceedings* Volume IV, page 181, Case PC/46/6/47.
111. *Ibid.*, pages 233, 247.
112. John Connel, Auchinleck, page 903.
113. Civil and Military Gazette, Lahore, dated 27.8.1947.
114. *Ibid.* Document no 161, *Infra*.
115. Sir Francis Taker, *While Memories Serve*, London, 1950 p.491.
116. P.B.R., CF 677-ER-48, page 4. Document 164, *Infra*.
117. Writer's Interview with Sir Francis Mudie. Appendix II *Infra*.
118. *Mission with Mountbatten*, page 176.
119. For more details also see my book "*Partition of Punjab*" published by Punjabi University, Patiala 2nd Edition 1990. page 133-136.
120. Malcolm Darling, *The Punjab Disorders*. The Hindus Mardras, October 11, 1947.
121. Penderal Moon, *Divide and Quit*, London 1961, page 283.
122. E.W.R. Lumby *Trnasfer of Power in India*, George Allen & Unwin, London, 1954,

- page 60.
123. V.P. Menon *Transfer of Power in India*, Orient Longman, New Delhi, page 386.
 124. Malcolm Darling, The Punjab Disorders, *The Hindus*. Mardras October 11, 1947.
 125. *Civil and Military Gazette*, Lahore, June 15, 1947.
 126. I.O.R.-M.B.-149, India Office Photo copies of Mountbatten Papers, Document no 77. *Infra*
 127. *Ibid.* Documen 83 *Infra*.
 128. *Transfer of Power in India*, E.W.R. Lumby, page 178.
 129. Writer interview with Lord Attlee, Vide Apprndix II. *Infra*.
 130. Writer's interview with Lord Ismay, Vide Appendix II *Infra*
 131. *Civil and Military Gazette*, Lahore, July 10, 1947.
 132. O.H.K. Spate, *India and Pakistan*, London 1954, page 110.
 133. Horace Alexander, *New Citizens of India*, Oxford University Press, page.7.
 134. Stephen P. Landas, *The Exchange of Minorities*, New York, 1932, page.3.
 135. *Millions on the Move*, Publication Division Govt. of India, page 10.
 136. *Idem*.
 137. *The Exchange of Minorities*, page 3.
 138. J. Russel Andrus and Aziz F. Mohammad, *Economy of Pakistan*, London 1958, p.463.
 139. *C & M. Gazette*, dated the 25th August, 1947.
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 141. The author of Chronology of Pakistan states that the Pakistan Government established the Military Evacuee Organization on the 28th August, 1947.
 142. Minutes of meeting of the third meeting of Emergency Committee, India and pakistan, held at New Delhi on 7th Septemebr, 1947. Brigadier Rajendra Singh *Military Evacuee Organisation - 1947-48*, p.11-12.
 143. Brigadier Rajendra Singh, *Military Evacuee Organisation - 1947-48*, New Delhi, p.11-12.
 144. *Ibid.*, p.19.
 145. *Ibid.*, p.20.
 146. *Ibid.*, page 22
 147. *Ibid.*, p.26.
 148. East Punjab Liaison Agency was finally withdrawn on 30th Nov. 1948.
 149. L.A.R. File No. LIX/2 Report of D.L.O Montgomery. Document No. 228. *Infra*
 150. *Ibid.*, File No. LIX/3 Report of D.L.O. Gujranwala. Document no. 225. *Infra*
 151. *Ibid.*, File No. LIX/4 Report of D.L.O. Multan. Document no 229. *Infra*
 152. *Ibid.*, File No. LIX/8 Report of D.L.O. Mianwali. Document no 231. *Infra*
 153. *Ibid.*, File No. LIX/9 Report of D.L.O. D.G.Khan. Document no 224. *Infra*
 154. P.B.R. File No. C.F. 119-ER-49. Document no 197. *Infra*
 155. P.B.R. Letter No. D.H.C. 115/47 dated 11.3.48 File No. C.F. 321-CR-48
 156. L.A.R. D.O.No. 8312/CLA dated 23.1.48. File No. LXVIII/3.

157. Ibid.
158. According to Clause No.2 of the Abducted Persons (Recovery & Restoration) Act 1949, "abducted person" means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the 1st day of March 1947 was a missing and who on after that day and before 1st January, 1949 has become separated from his or her family and is found to be living with or under the control of any other individual or family and in the later case includes a child born to any such female after the said date."
159. Abducted Persons (Recovery and Restoration) Act No. LXV of 1949.
160. *Pakistan da Safar*, Chakkar Kaur Singh (Punjabi), edited by me Khalsa Samachar Amritsar, 1959, p.12.
161. Recovery And Restoration of Abducted Persons in India, Government of India Publication, Ministry of Foreign Affairs, p.3.
162. *Ibid.*, pp.6-7.

Summary of Documents

Chapter I

Formulation of Partition Plan

The documents of this chapter relate to the genesis of the idea of partition of Punjab and formulation of the Partition Plan popularly known as 3rd June Plan.

Chapter II

Implementation of Partition Plan

The documents in this chapter deal with the implementation of Partition Plan and the various problems arising out of it.

Chapter III

Implementation of Plan (Boundary Commission)

In this chapter Partition documents mostly pertain to the Punjab Boundary Commission

Chapter IV

Aftermath of Partition of the Punjab.

The documents in this chapter mostly deal with the following: -

- (i) Official correspondence relating to mass migrations and law and order between various high dignitaries in East and West Punjab viz. India and Pakistan.
- (ii) Abolition of Punjab Boundary Force.
- (iii) Working of Military Evacuee Organisation.
- (iv) Awards of Arbitral Tribunal.
- (v) Recovery of Abducted Women
- (iv) Report of District Ironiou Officers.

Supplementary Documents

- (i) Correspondence relating to the Punjab Boundary Award and proposed arrest of the Sikh leaders.
- (ii) Causes of bloodshed and disturbances.

Chapter I

Formulation of Partition Plan

Formulation of Partition Plan with exception to some documents most of the documents of this chapter relate to the formulation of Partition Plan.

<i>Number and name</i>	<i>Date</i>	<i>Main Subject</i>	<i>Page</i>
1. Resolution of Lahore session of the All India Muslim League	22-24 March 1940	It was demanded that geographical contiguous units in which Muslims were in majority should be grouped to form independent states.	1
2. Draft Declaration by Sir Stafford Cripps	30 March 1942	It gave right to the provinces to secede from Centre and form new Union similar to Indian Union.	2
3. Memorandum handed over to Sir Stafford Cripps by Sikh All Parties Committee	31 March 1942	It demanded partition of Punjab with Ambala and Jullundur Divisions and with three districts Gurdaspur, Amritsar and Lahore.	3
4. Master Tara Singh to Sir Stafford Cripps.	1 May 1942	Protection might be given to the Sikhs, by dividing the present Punjab.	10
5. Shromani Gurdwara Parbhandak Committee Amritsar's resolution	27 Feb. 1943	The Muslims majority areas should be separated from the Punjab and interests of the Sikhs should be protected.	11
6. Rajagopaiachari Formula	May 1944	It conceded the principle of separation of Muslims majority areas after plebiscite.	11
7. Resolution for	Feb.	It was demanded that the Punjab should	12

spliting of Punjab	1946	be splited in order carye out a Sikh state consisting of predominaantly Sikh areas.	
8. Resolution of All India Congress Committee	6 Jan. 1947	It was against compulsory grouping in the Cabinet Mission Plan and emphasised that a province or a part of province could come out of groups.	13
9. Statement of Mr. Attlee, Prime Minister in the House of Commons.	20 Feb 1947	It laid down that power would be transferred to India not later than June 1948.	14
10. George Abell to Ronald M. Joseph Harris Private Secretary to the Secretary of State for India.	1 March 1947	It emphasised the point that province or part of province cannot opt out from various groups according to the Cabinet Mission Plan.	17
11. Field Martial Viscount Wavel to Sir E. Jenkins	6 March 1947	Possibility of division of Punjab was discussed within group B. The Non-Muslim portion could join Group A after ten years.	17
12. Sir Evan Jenkins to Lord Wavell	6 March 1947	Discussed the possibility of partition of Punjab and gives some suggestions to resolve the communal dead lock in Punjab.	18
13. Resolution of Congress working Committee.	8 March 1947	Keeping in view the communal riots in Western Punjab it demanded partition of the Punjab which was emphasised to be the only solution of the communal problem.	23
14. Pandit JawaharLal Nehru to Lord Wavel.	9 March 1947	In case Muslim League did not join the Constitutional Assembly, East Punjab and West Punjab had to be separated to enable the substantial non-Muslim population to join the Indian Constituent Assembly.	24
15. Pandit Jawahar Lal Nehru to Lord Wavel	9 March 1947	Giving reference to Sardar Baldev Singh's letter pleads for the division of Punjab into predomi-	25

namely Muslim and non-Muslim areas.

16. His Excellency (Lord Wavel's) Note of interview with Pandit Jawahar Lal Nehru	10 March 1947	Pandit Nehru suggested to Lord Wavel to have two ministries one for Western Punjab and other for Eastern Punjab under one Governor.	26
17. George Abell's note regarding two ministries in the Punjab.,	10 March 1947	Abell discusses the proposal of two ministries in Punjab and concludes that the proposal was impracticable.	27
18. B.N. Rau to Lord Ismay	25 March 1947	B.N. Rau discusses Pandit Nehru: proposal and suggests three tier ministry in the Punjab viz., west Punjab, East Punjab and Joint territory consisting of Lahore Division.	28
19. Sir E. Jenkins to Lord Mount- batten	26 March 1947	Jenkins informs the Viceroy that in Punjab the Punjab Disturbed Areas Act and Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance were in force. He further discusses the measures adopted by the Govt. to curb riots in Rawalpindi and Multan Divisions.	31
20. S.E. Abbot to G.E.B. Abell	31 March 1947	Sir Evan Jenkins commented on B.N. Rau's plan for regional administration of Punjab.	32
21. Viceroy's conference papers (V.C.P.) no. 6.	3 April 1947	It contains a note of on interview between the Governor of Punjab and Lord Ismay (C.V.S.) and a note by Governor of Punjab on the Sikh organisations.	35
22. Jawahar Lal Nehru to Lord Mountbatten	8 April 1947	Member of Central Legislature: Representation of to demand partition of Punjab.	39
23. Viceroy's Personal RReport no. 2.	9 April 1947	It gives extracts relating to representation to demand partition of Punjab.	41

24. George Abell to Pandit Jawahar Lal Nehru	9 April 1947	It acknowledges the M.L.A. 's representation.	42
25. The Resolution No.11 adopted by Working Committee of Shiromani Akali Dal Amritsar	16 April 1947	It demanded partition of Punjab on population and property basis with the provision for exchange of population.	42
26. Viceroy's Personal Report No. 3	17 April 1947	Viceroy gives the details how Mr. Jinnah agreed to the partition of provinces.	43
27. Extracts from Interview of Viceroy with Master Tara Singh Giani Kartar Singh and S. Baldev Singh	18 April 1947	The Sikh leader suggested transfer of population.	44
28. George Abell's letter to the Secretary Governor of Bengal	18 April 1947	George Abell circulates the note prepared by Jenkins regarding the steps to be taken relating to partition of the province.	45
29. Ujjal singh to Lord Ismay	22 April 1947	Ujjal Singh demands certain amendments in the Cabinet Mission Plan and at end demands partition of Punjab with the exchange of population.	46
30. Sir Evan Jenkins to Lord Mountbatten	30 April 1947	The Governor comments on the difficulties in accepting regional system of administration.	49
31. Lord Ismay's note to Lord Mountbatten	30 April 1947	Lord Ismay gives the gist of talk he had with Giani Kartar Singh, Harnam Singh and Ujjal Singh relating boundary in Punjab.	50
32. Member of Constituent Assembly from Punjab to Lord Ismay	1 May 1947	Nine non-Muslim members of Constituent Assembly submitted memorandum demanding partition of Punjab into Muslim	53

Punjab and non-Muslim Punjab.

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| 33. S. Baldev Singh to Lord Mountbatten. | 1 May 1947 | It emphasises the point that notional division would influence the boundary commission and eastern zone should include districts of Lahore, Amritsar and Gurdaspur. | 61 |
| 34. Sir Evan Jenkins to Lord Mountbatten. | 3 May 1947 | While discussing boundary problem in the Punjab he discussed the Muslims and non-Muslim cases. He also sends record of his interview with Sardar Swaran Singh, Harnam Singh and Bhim Sen Sachar which was held on 2nd May. | 62 |
| 35. A Note of I.D. Scott, Deputy Private Secretary to Viceroy) | 3 May 1947 | Gives a gist of the talk with Maharaja Patiala relating to the Punjab boundary between East and West Punjab. | 67 |
| 36. Viceroy to Secretary of State for India. | 8 May 1947 | Viceroy instructs Lord Ismay to make it clear that notional division should not prejudice the boundary commission. | 68 |
| 37. Viceroy to the Secretary of State for India | 5 May, 1947 | Viceroy conveys to Lord Ismay that Jenkins fears are unfounded as Jinnah would agree to the partition of Punjab. | 68 |
| 38. Lord Mountbatten to S. Baldev Singh | 5 May 1947 | This emphasised that notional division is for voting purposes only and it would not influence the boundary commission. | 70 |
| 39. S. Tarlok Singh to I.D. Scot, Deputy Private Secretary to Viceroy | 5 May, 1947 | Whether large member of telegrams received from Gurdaspur District be transferred to Viceroy's office. | 71 |
| 40. Sir Evan Jenkins to Lord Mountbatten | 7 May 1947 | The Punjab Governor has given his comments on Sardar Baldev Singh's letter and stresses that Muslim majority district of Lahore cannot be put under non-Muslims. | 71 |

41. Master Tara Singh, Baldev Singh, Swaran Singh to the Earl of Listowel, the Secretary of state for India.		Emphasised that river Chenab should be boundary with provision for exchange of population and property. Notional division was a unjust.	72
42. Sardarr Baldev Singh's letter in British Cabinet Committee	7 May	Sardar Baldev Singh's letter relating to partition of Punjab addressed to Lord Listowel, Secretary of State for India who placed in the Cabinet Committee meeting to be held on May 8, 1947. The letter pleads the cause of Sikhs and Hindus of the Punjab.	73
43. S. Baldev singh to Lord Mount-batten.	7 May	The entire letter pleads against the proposed notional division of Punjab. It was apprehended that it would influence the boundary commission to the detriment of Sikh interests.	76
44. Secretary of State for India to the Viceroy.	9 May 1947	The Para no. 13, 15, 16, 17 and 18 deal with Sikh problem during the partition days. According to this the Sikhs could improve their position by throwing their lot with the Muslims of West Punjab.	78
45. Extract from Viceroy's 13th Miscellaneous Meeting at Simla.	11 May, 1947	Viceroy explained how partition of Punjab could be made acceptable to all parties. Landed property could not be the basis of division.	80
46. Mislim Jeague comments on Draft Announcement.	17 May 1947	Mr. Jinnah suggested that it should be incorporated that "Boundary commission would be instructed to demarcate boundaries on the basis of ascertaining contiguous majority areas of Muslims and non-Muslims down to Gurdarwar Circle".	81
47. S. Baldev Singh to	17 May	S. Baldev Singh commented on	82

Lord Mountbatten.	1947	Draft Announcement and suggested that it should be incorporated in the Draft Announcement that Boundary Commission will be instructed to take into account other factors such as property, holding and land revenue paid by the non-Muslims.	
48. Lord Mountbatten to Sir Evan Jenkins.	18 May 1947	Viceroy agreed with the strong measures taken by the Governor to curb disturbance. Viceroy intimates that he had got Cabinet approval to crush disturbances.	83
49. His Highness Maharaja of Patiala to Lord Mountbatten	18 May 1947	Maharaja Patiala gives the gist of his talk with Mr. Jinnah and emphasizes that Punjab must be divided in case India is partitioned. Division of Punjab should be fair to the Sikhs.	84
50. Extract from the Viceroy's Report No.8.	23 May 1947	The Viceroy gives the gist of his talk with Maharaja of Patiala and S. Baldev Singh and told Categorically that landed property and Sikh shrines could not be made the basis of division of Punjab. Intimates about the steps taken to curb violence.	87
51. S. Baldev Singh to Lord Mountbatten	2 June 1947	Gaave his reactions to the Statement to be made on 3rd June. He emphasised that the Sikh interests should be safeguarded. Sought clarification regarding notional boundary. Stressed that terms of reference of boundary were vague.	89
52. Brond chast of His Excellency the Viceroy on All India Radio	3rd June 1947	Lord Mountbatten gives the idea how he had been meeting different leaders and arrived at certain conclusions which were incorporated in the 3rd June Plan.	91
53. Statement of Majesty, His Government.	3rd June 1947	It laid down that those provinces which had not joined the Constituent Assembly should be allowed to decide about their future. In case M.L.A.'s of East Punjab or West Punjab, West Bengal or East Bengal decide in favour of partition the provinces be partitioned. Referendum would be held in	93

N.W.F.P. Boundary Commission would be appointed to decide the boundaries.

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| 54. Statement of
Major Governor
J.C. Bruce,
Commander
Lahore Area. | 3rd June
1947 | It gave details of military
deployment at various points
and declared that firm action
would be taken to curb lawlessness. | 98 |
| 55. Press Conference
By Lord Mountbatten | 4th June
1947 | Lord Mountbatten answered
a numberr of questions asked
by various press correspondents
Some of the answers are
reproduced here | 100 |

Chapter II

Implementation of Partition Plan

In this Chapter Documents deal with various problems arising out of implementation of 3rd June Plan.

<i>Number and name</i>	<i>Date</i>	<i>Main Subject</i>	<i>Page</i>
56. Administrative consequence of Partition.	6 June 1947	The Viceroy presented the paper Administrative Consequences of Partition and discussed many problems relating to partition. The decisions taken and minutes were recorded at the end.	102
57. Sir Penderal Moon to Master Sujan Singh of Sirhali (Dist. Amritsar).	8 June 1947	Sir Penderal Moon persuading Master Sujan Singh to come to terms with Muslim League and argues that Sikh interests are secure in Pakistan. He asked Master Sujan Singh to arrange his meeting with Master Tara Singh and Giani Kartar Singh as he could not contact them.	103
58. Acceptance of 3 June Plan by League Resolution of All Indian Muslim League	9 June 1947	It accepted the fundamentals of the 3rd June Plan and authorized its president Mr. Jinnah to work out the plan.	105
59. Sir E. Jenkins to Lord Mountbatten	11 June 1947	The Governor complains that that Nawab of Mamdot, President of Punjab Muslim League wanted partymen on various committees to which he could not agree. In his opinion civil servant could perform the job much better.	105
60. Implementing Partition: minutes of second meeting of Special Committee	12 June 1947	Formation of Steering Committee and its functions were discussed Expert Committees were associated with Steering Committee.	106

of Cabinet.

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| 61. Resolution of Panthic Assembly Party, Working Committee Shromani Akal Dal & Panthic Pratinidhi Board. | 15 June 1947 | It approves the partition of Punjab and demands transfer of Hindu Sikh population and property from West Punjab to Eastern Punjab. | 108 |
| 62. Resolution of All India Congress Committee accepting of 3rd June Plan. | 15 June 1947 | At welcomes the decision to transfer power to Indian hands and does not approve the partition of the country. It accepts 3rd June Plan as a compromise under the circumstances. | 108 |
| 63. Punjab Partition Preliminaries: A meeting on partition preliminaries. | 16 June 1947 | The members expressed their doubts which were cleared by the Chairman. The procedural matters and various issues were settled. A Steering Committee was established to coordinate the work of various expert committees which were organised in the meeting. Governor discussed various aspects of partition with the party leaders. | 109 |
| 64. Broad outline of machinery for working out administrative consequences of Partition. | 17 June 1947 | The Partition Committee and laid down the criteria for the members of expert committee Discussed the procedure to be followed. | 114 |
| 65. Punjab party Leaders to sir ElJenkins. | 17 June 1947 | Party leaders agreed that Governor should preside over the meetings of Partition Committee which would consist of four members: two nominees of Muslim League and one each from Congress and Panthic party. M.R. Sachdeva and Syed Yakub Shah should form the Steering Committee. | 115 |
| 66. Report from Reuter Indian Service. The Punjab Assembly's Eastern part decides in favour of partition. | 23 June 1947 | The Eastern and Western part of Assembly met separately to decide the partition issue. The eastern part decided in favour of partition and western part against it. | 116 |

67. Appointment of President of the Arbitral Tribunal	36 June 1947	The issue of appointment of President of Arbitral Tribunal was discussed. Congress members were in favour of Federal Court to work as Arbitral Tribunal whereas League members wanted some British judge especially Radcliffe to take charge.	117
68. Replacement of special Committee by Partition Council and organisation of partition Secretariat	26 June 1947	The Special Committee of the Cabinet was replaced by Partition Council. Its members were nominated. Partition secretariat was organised.	117
69. Governor General's note regarding appointment of the Chairman of Boundary Commission.	26 June 1947	Governor General's note was discussed and it was decided that he should write formally to Patel & Liaquat Ali Khan regarding the appointment of the Chairman of the Boundary Commission.	118
70. Appointment of Chairman of Boundary Commission	27 June 1947	Congress and League both agreed to the proposal of Governor General, for the appointment of Chairman of Boundary commission.	119
71. Punjab Governor's Report to Viceroy	30 June 1947	Governor introduces the members of Punjab Partition Committee and discussed the some items about the meeting of Security Committee.	119
72. The Government of India Gazette relating to the formation of Boundary Commission	30 June 1947	The Governor General appointed members of Bengal Boundary Commission in as well as Punjab Boundary Commission.	120
73. Sir Penderal Moon to Lord Ismay & Ismay & Abell's noting	1 July 1947	Moon made two suggestions 1. To create East Punjab. predominating Sikh 2. East Punjab should join Pakistan.	122
74. Extracts from the record of decisions of first meeting of the	1 July 1947	Record of the first meeting of the Punjab Partition Committee was very lengthy. Only selected	128

Punjab Partition Committee.		items-their agendas and decision have been given here.	
75. Giani Kartar Singh's note to Governor General. Abell noting there on.	2 July	Giani Kartar Singh listed some demands regarding demarcation of boundary, transfer of populatio and certain safe-guards for the Sikhs	136
76. Lord Ismay to Sir Penderal Moon	3 July 1947	This was written in reply to Moon's letter relating to Sikhs.	138
77. Mountbatten to Pandit Jawahar Lal Nehru	4 July 1947	The Governor General recommended certain concessions. to be granted to the Sikhs.	139
78. Mountbatten to Mr. Jinnah.	4 July 1947	Lord Mountbatten requests Mr. Jinnah to concede some concessions to the Sikhs to be left in Pakistan.	140
79. Provincial High Courts-Effects of partition.	4 July 1947	The Central Steering Committee prepared a note relating to High Courts of the provinces to be partitioned The Partition Council took certain decisions on that note.	140
80. Baldev Singh to Major B. Short.	5 July 1947	Invites Short to come to India to help the Sikhcase before the Boundary Commission.	143
81. The Times London	5 July 1947	Announcement of Chairman of Punjab Boundary Commission.	143
82. Extracts from the record of decisions of the 5th meeting of Punjab Partition Committee.	7 July 1947	Steering Committee decisions regarding division of records etc. were approved. It was decided to divide Board of Economic Enquiry.	144
83. Pandit Jawahar Lal Nehru to Lord Mountbatten.	7 July 1947	Pandit Nehru was not in favour of separate electorates and system of weightage. He was prepared to consider the question of transfer of population.	148

84. Extracts from the record of decisions Punjab Partition Committee.	9 July 1947	The question was raised that notional boundary was not final boundary How posting should be done in disputed districts-matter referred to Central Partition Council.	149
85. Cyril Radcliff's note and proposal for amendment in Indian Independence Act.	10 July 1947	Amendment was proposed by Governor General and approved by Partition Council. British Government was requested to amend clause relating to awards.	150
86. Minutes of fourth meeting of Partition Council-Deputation of Sikh V.C.O's & Soldiers	10 July 1947	Mr. Jinnah's objection to Viceroy meeting a deputation of Sikh V.C.O's and Viceroy's assurance that every possible step would be taken to suppress disturbances in Punjab.	151
87. Extracts from the record of decisions of 7th meeting of Punjab Partition Committee.	10 July 1947	The report of chairman of the committee of physical assests was considered and Governor was able to decide various criteria for the division of different assests like institutions and establishments etc.	152
88. Secretary of State to Viceroy (Ismay to Viceroy)	11 July 1947	Appointment of Major Short on Staff of Ismay is proposed to Viceroy in a telegram. It was considered essential to deal with the Sikhs.	156
89. Extracts from record of decisions of 8 th meeting of Punjab Partition Committee	12 July 1947	Standstill agreement on Jails was arrived at. Various decision were made with regard to reorganisation of two Secretariats. Governor decided different issues.	157
90. Viceroy to Secretary of State for India (Viceroy to Ismay)	12 July 1947	The telegram was sent from Viceroy agreeing with the proposal of Lord Ismay to employ Major J.M. Short.	160
91. Extracts from Viceroy's 13 July Conference Papers no. 128	1947	Abell's note relating to the Punjab situation and Punjab Governor's appreciation. Jenkins letter commenting on Giani Kartar singh interview. Record of Governor's interview with Giani Kartar singh on 10 July, 1947.	160

92. Secretary of State for India to Viceroy	14 July 1947	This telegram was in response to Document no. 90. Short would be coming to India on 20 July.	167
93. Extract from Viceroy's 59th Staff meeting.	14 July 1947	Viceroy's note on the Punjab situation. Attitude of Sikhs discussed.	168
94. Extracts from records of decisions of 11th meeting of Punjab Partition Committee.	16 July 1947	Division of physical assests of local character was considered Division of Punjab Public Service commission was decided.	169
95. Boundary Commission's Award.	16 July 1947	Amendment was made in the Indian Independence Act that report of Chairman would be considered as award of the Boundary Commission.	170
96. Terms of Reference of Punjab Boundary Commission.	16 July 1947	Mr. Henderson, underSecretary of State; statement that other factors meant Sikh shrines.	170
97. Field Marshal Sir C.J. Auchinleck to Lord Mountbatten.	17 July 1947	Joint Defence Council should have authorityto deal with the situation. British Commander will be appointed to have control over the disturbed area.	171
98. Minutes of Sixth meeting of Partition Council.	17 July 1947	Note of C.in. C. was discussed. Procedure for Joint Defence Council's meeting was decided and it was decided to appoint General Rees as Commander of Punjab Boundary Force.	171
99. Appointment of Chairman and other staff of the the Arbitral Tribunal	17 July 1947	Sir Patrick Spans was appointed the Chairman-one Judge to be appointed by India and one by Pakistan., Government. Target date for completion of work was to be 31 March 1948.	174
100. Issues connected with partition work in Punjab.	17 July 1947	Abell's visit to Punjab and his reporting in the sixth meeting of Partition Council. The East Punjab government should move to Simla. Appointments and transfer might be done on basis of notional division except three disputed districts.	

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| 101. Extracts from record of decisions of 12th meeting of the Punjab Partition Committee. | 17 July 1947 | Principles for division of all India services and provincial services were decided on the note of a Steering Committee. Compensation was decided to be given to officer who were killed in riots. | 177 |
| 102. Memorandum submitted to the Punjab Boundary Commission on behalf of Muslim League. | 18 July 1947 | The main emphasis is on the agreement of different political parties on 3rd June Plans which has been quoted and it has been argued that Punjab boundary should be drawn strictly according to contiguous Muslim majority areas. Other factors should not override the population factor. | 180 |
| 103. Memorandum submitted to Punjab Boundary Commission by Indian National Congress. | 18 July 1947 | it emphasized the unreliability of the Census Reports and concludes that Muslims majority was made up owing to propaganda of the Muslims for political reasons, to inflate their numbers. Historic importance of the Sikhs has been stressed. Economic disparity between East and West Punjab has been brought out as almost all irrigation projects had been in the West Punjab. Details of industrial and commercial enterprises were given to show that the non-Muslims were the real builders in the central Punjab. Much space had been devoted to advocate that Lahore city had been built with industrial and commercial enterprise of the non-Muslims. | 191 |
| 104. Sikh memorandum to Punjab Boundary Commission. | 18 July 1947 | Census 1931 has been quoted to prove that a part of Muslim population was not rooted in soil and was essentially of floating character. Census figures were affected by political motives. The Sikh paid much more land revenue as compared to their numbers. Sikhs were rulers before the British. Sikhs could not live under the Muslims as in history there existed Sikh Muslim enmity Central Punjab was a homeland of the Sikhs. Sikhs have colonised and lands in Montgomery and lyalpur Districts. | 226 |
| 105. Executive Council | 19 July | It gives broad outline of machinery to | 264 |

(Transitional Provisions) order.	1947	be established in India and Pakistan.	
106. Panthic Assembly Party's resolution	19 July 1947	Demanded division of Punjab on landed property basis, inclusion of Sikh shrines in East Punjab and transfer of population	265
107. Extracts from record of decisions of 14th meeting of Punjab Partition Committee.	19 July 1947	It gives Central Governments decision on Punjab University, Lahore.	266
108. Extracts from the minutes of Viceroy's meeting held at Lahore with Punjab Partition Committee.	20 July 1947	Viceroy discussed the points raised by Punjab Partition Committee. It was decided that all posting should be done on the basis of notional division except three disputed districts, Gurdaspur, Amritsar, and Lahore.	268
109. Extracts from record of discussion of 15th meeting of Punjab Partition Committee.	21 July 1947	The note of the representative of East Punjab and West Punjab police regarding reorganisation of police in both the Punjabs and Partition Committee's decision thereon.	270
110. Viceroy's Report No. 13.	22 July 1947	In item No.5, 6 and 7 the Viceroy discussed the working of Punjab Boundary Commission, organisation of Punjab Boundary Force and issuing of Joint appeal for maintaining peace by both the Dominions.	272
111. Extracts from the eighth meeting of Partition Council.	22 July 1947	Viceroy reported to the Council the decisions which he had taken with the Punjab Partition Committee.	273
112. Extracts from the eighth meeting of Partition Council.	22 July 1947	It approved the districts to be included in the jurisdiction Punjab Boundary Force which was to be established on the 1st August, 1947.	274
113. Sir E. Jenkins to Lord Mountbatten.	23 July 1947	Sikh Conference to be organised at Nankana Sahib on 27 July. Govt. banned it as it related to Boundary Commission Award. Mass demonstrations are expected by Sikhs for which military arrangements	275

were made.

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| 114. Lord Mountbatten to Earl of Listowel. | 24 July 1947 | Lord Mountbatten conveys the text of statement which members of Partition Council have agreed to issue. The statement assures the minorities fair and equitable treatment without any discrimination on the basis of religion, casts or sex. The Punjab Boundary Force has been established to ensure peace in Punjab. | 276 |
| 115. Extracts from the minutes of 9th meeting of Partition Council Inclusion of Ludhiana in the statement. | 24 July 1947 | Viceroy stated that all parties had agreed that District Ludhiana should be in the list of districts to placed under Punjab Boundary Force. | 277 |
| 116. Extracts from the minutes of 65th staff meeting-possibility of disturbances in Punjab (V.C.P. 140) | 28 July 1947 | Intelligence report that Sikhs intended to start trouble in a big way if Nankana Sahib not included in East Punjab. Suggestion that it should be made a sort of Vatican. | 278 |
| 117. Extracts from the proceedings of Punjab Partition Committee meeting. | 28 July 1947 | Detailed agenda on the division of libraries. Yaqub Shah's note and note by S.K. Kriplani were discussed. and decisions made. | 278 |
| 118. Viceroy's Report No.114 Statement of Partition Council. | 29 July 1947 | Establishment of Punjab Boundary Commission. The Governments of both the Dominions have committed that they would accept the award whatever it was going to be. | 282 |
| 119. Extracts from the meeting of 9th meeting of Partition Council. | 29 July 1947 | It was made clear that a disturbed area could be declared by provincial legislature. Before 15th August Punjab Government would declare such areas and after 15 August East Punjab Govt. and West Punjab Govt. would exercise this right. | 283 |
| 120. Sir. E. Jenkins to Lord Mountbatten. | 30 July 1947 | It is a lengthy report touching about various aspects. First three parts discuss the law and order situation and the last parts deal with partition work. Shortage of petrol, loan of | 284 |

wheat to the Centre etc. etc. An interview with Giani Kartar Singh is enclosed.

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| 121. Extracts from the record of decision of 20th meeting of the Punjab Partition Committee. | 30 July 1947 | Ram Chandra's suggestion relating to transfer of magistrates which was ultimately referred to Partition Committee. It was decided that transfers should be sprced over six weeks. | 289 |
| 122. Governor Punjab to Viceroy's. (Telegram) | 31 July 1947 | Whole of Punjab was declared to be a disturbed area and special powers were conferred on the armed forces. Punjab Disturbed Area Ordinance already in force in Punjab. | 291 |

Chapter III

Implementation of the Plan (Boundary Commission)

In this Chapter documents mostly deal with Punjab Boundary Commission.

Number and Name	Date	Main Subject	Page
123. Giani Kartar Singh to Private Secretary H.E. Viceroy.	1.8.47	Its enclosure was "The Hindu-Sikhs case for Nankana-Sahib Tract. "	292
124. Punjab Govt. Report on the situation in Punjab second half of July.	1.8.47	It gives the political situation, communal tensions, labour and economic problems in Punjab in second half of July 1947.	300
125. Private Secretary Viceroy to Secretary Governor Punjab.	1.8.47	It advises Government not to press Kartar Singh for statement. No trouble expected upto announcement of Punjab Boundary Award.	304
126. The Case of Punjab University, Lahore Extracts of Record of Punjab partition Committee meeting.	1.8.47	It contains notes of different University officials regarding partition of the Punjab University.	304
127. Refugee problem minutes of 13th meeting of Partition Council.	2.8.47	Problem of refugees is discussed. It was decided that both Dominions should own responsibility for the refugees.	309
128. Report of Justice Mehar Chand Mahajan.	3.8.47	First discussed the background of the 3rd June plan and terms of the reference. Then he asserted had population factor been the only consideration, "other factors" should not have been mentioned. He argued that integrity of the Sikhs was one of the factors to be taken into account. He interpreted "other factors" in European history. He argued that the districts of Lahore, Gur-	310

daspur and Amritsar were economically interlinked, and argued in favour of city of Lahore and Nankana Sahib tract. Non-Muslims have predominant commercial and industrial interest. Tehsil could not be a unit for determining contiguous Muslim or non-Muslim areas as it was constituted for revenue collection. At the end he contradicted many claims of the Muslims League.

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| 129. Extract from the record of decisions of Punjab Partition Committee. | 4.8.47 | Interim Agreement for working of the Hydro Electric System of Punjab. | 342 |
| 130. Report of Justice Teja Singh. | 4.8.47 | Partition of Punjab was decided on the insistence of the Sikhs as they never wanted to live under the Muslim domination. Martyrdom of Guru Arjan Dev, Guru Tegh Bahadur four sons of Guru Gobind Singh and Banda Bahadur, and others have been quoted in support of Muslim-Sikh antagonism. The rule of Maharaja Ranjit Singh and services of the Sikhs to the British have been mentioned. ; Muslim League tactics to oust the Unionist Ministry resulted in communal riots in Rawalpindi and Attock Districts where Hindu and Sikhs were totally exterminated in several villages. While determining border solidarity and integrity of Sikhs, important considerations. Sikh shrines, as stated by the Under Secretary of state of India would be considered as one of the factors to be taken into account. In the end he discussed the case of Lahore, Nankana Sahib tract and various areas like Lyalpur and Montgomery Districts etc. and concluded all these should be included in East Panjab. Chenab river should be the boundary line. | 348 |
| 131. Refugee Problem-minutes of the fifteenth meeting of partition Council, | 5.8.47 | The question of refugees from states was raised Viceroy promised to look into the matter. A detailed note on refugees was presented. | 371 |

132. Sir B.B. Abell to Sir Evan Jenkins.	5.8.47	It deals with the proposal for the arrest of Master Tara Singh and other Sikh leaders. It suggested that Governor of Punjab should decide the details.	373
133. Report of Mr. Justice Din Mohammad.	5.8.47	In the beginning of this report historical back ground of partition of the Punjab has been traced along with some important provisions of 3rd June Plan. Then the terms of reference have been discussed and it has been emphasized that the terms have been arrived at as a result of political settlement. The main and principal consideration is contiguous Muslim majority areas. Then it takes the case of Muslim majority districts and the Muslim majority tehsils in non-muslim majority districts. It argues that all these areas should form part of West Punjab. It emphasizes that Sikh solidarity was not a factor to be established after breaking Muslim majority areas. Even in canal colonies Muslims form majority in population. Muslim population however, poor cannot be ignored. He has replied a number of points raised by the Councils of Sikhs and Hindus.	374
134. Sir G.E.B. Abell to Lord Mountbatten.	6.8.47	Abell conveys the reaction of Mr. Jinnah to the proposal to postpone the arrest of Sikh leaders. Jinnah is of the view that they should be arrested immediately.	407
135. Extracts from the record of decisions of Punjab Partition Committee meeting.	6.8.47	On the division of provincial institutions there were differences of opinion. It was decided that the pensions would continue in both Punjab and financial settlement made accordingly. Both sides decided to refer to the ratio for financial adjustment.	407
136. Extract from the sixteenth meeting of Partition Council.	6.8.47	The Punjab Partition Committee failed to issue a statement on lines of one issue by the Central Partition Council.	408
137. Report of Justice Muhammad Munir.	6.8.47	The Report begins with the historical background of the 3rd June plan and lays emphasis that it was the result of negotiated settlement. Mostly the Sikh-claims have been rebutted. Following have	410

been discussed:-

1. Solidarity of Sikhs whether a factor.
2. The Sikh Shrines.
3. Language Factor.
4. Crown wastes and Canal Colonies.
5. Trade, commerce and property (Lahore, Amritsar and other towns).
6. Muslim League's claim.
7. Tarn Taran and Amritsar Tehsils.
8. Portion of Pathankot Tehsil and Madhopur Head works.
9. Dasuya Tehsil in Hoshiarpur District.
10. Conclusion.

138. Extract of record of decision of Punjab Partition Committee.	8.8.47	Books relating to Bhakhra Dam were given to East Punjab.	455
139. Sir G. Abell Private Secretary to Viceroy to Mr. Abbot Private Secretary to Governor Punjab.	8.8.47	This is most controversial letter written by Abell. A map indicating boundary of East and West Punjab and a note describing it were enclosed with this letter which contained advance information regarding the Punjab Boundary Award.	456
140. Lord Mountbatten to Sir Evan Jenkins	8.8.47	Strategy to arrest Sikh leaders has been discussed in this letter. Ultimately everything was left to Governor Punjab. He was advised to consult his fellow colleague who was to succeed him.	457
141. Minutes of Viceroy's sixty nine Staff meeting.	9.8.47	Timing for publication of Punjab Boundary Award was discussed. Ismay was of the view that it should be delayed so that responsibility for riots should not be on the British Government.	458
142. Sir Evan Jenkins to Lord Mountbatten.	9.8.47	Governor Punjab intimating his views regarding the arrest of Master Tara Singh and discusses some practical difficulties in arresting the Sikh leader and keeping him in Pakistan or Indian Jail.	459
143. Extracts from the	9.8.47	Different views have been expressed	461

record of decision of Punjab Partition Committee.	regarding unrealised balances in respect of Grown land sold. It was decided to refer the matter to Arbitral Tribunal.	
144. Extracts from record of decisions of Punjab Partition Committee.	10.8.47 Future of Police Training School Phillaur, Finger Print Phillaur, and Police Scientific Laboratories Lahore was discussed.	464
145. Summary of Report from Commander Punjab Boundary Force. (By D.C. Hawthorn)	11.8.47 This gives report of communal rioting, refugee problem and raids by well armed gangs. It states that troops were unaffected by communal tension.	466
146. Major Short to Lord Ismay	12.8.47 Reports the Sikh situation - Sikhs reaction to Punjab Boundary Award awaited. Nankana Sahib be given Vatican status to pacify Sikhs. There are other suggestions relating to the Sikhs.	467
147. Lord Mountbatten to Maharaja of Patiala.	12.8.47 This is in response to his letter relating to Punjab Boundary Award. He said that he could not interfere or intervene.	469
148. The Arbitral Tribunal order.	12.8.47 It gives a brief scope of difference of opinion and the gives procedure how it was to be referred.	469
149. Extract from Governor Punjab's Report to Viceroy.	12.8.47 It describes the task of Punjab Boundary Force to be difficult one. Area is large and communal riots were unprecedented.	472
150. Sir Cyrill Radcliffe Punjab Boundary Award.	12.8.47 This Award is addressed to Governor General. It has 12 parts giving background terms of reference procedure followed. At the end it gives Annexure A giving the village wise Boundary line.	473
151. Punjab Partition (Apportionment of Assets and liabilities) order 1947	13.8.47 This deals with division of assets and liabilities in East and West Punjab.	477

152. Punjab Partition
(Adaptation of Laws)
order 1947

13.8.47 It deals with adaptation of laws of 483
British Punjab to East and West Punjab.

153. Punjab Partition
(Payment of pension)
order 1947.

13.8.47 It deals with the payment of pension in 486
East and West Punjab.

Chapter IV

Aftermath of Partition

This chapter deals with the documents pertaining to
aftermath of partition of Punjab.

No.	Name	Date	Main Subject	Page
154.	Sir R.F. Mudie to Mr. Mohammad Ali Jinnah.	15.8.47	Gives gist of communal rioting in East and West Punjab. Informs that he would be going to Ambala on 17th to discuss the law and order situation with East Punjab Government.	488
155.	Informal minutes of Joint Defence Council meeting held on 16th August 1947	16.8.47	Supreme Commander gives his impressions of law and order situation and intimated the Government that the Punjab Boundary Force was doing its best. He was of the view that martial law could not be declared because of shortage of available troops. Pandit Jawahar Lal Nehru, Sardar Patel, Sardar Baldev Singh, Mr. Liaquat Ali Khan participated in the discussion.	489
156.	Minutes of second meeting of Joint Defence Council.	20.8.47	Governor General reviewed the proceedings of 17th meeting held at Ambala But he disagreed with the proposal to break up the Punjab Boundary Force. General situation regarding communal rioting was reviewed. Both the Governments were advised to improve the conditions of refugee camps.	495
157.	Field Marshal Sir Claude Auchinleck to Lord Mountbatten	20.8.47	Sends the letter of General Rees and gives opinion that without Punjab Boundary Force there would have been more bloodshed.	496
158.	D.C. Ambala to	20.8.47	Gives the genesis of communal riots in	498

Commissioner Ambala Division.		Jagadhari and reports the measures adopted by him.	
159. Committee Secretary Joint Defence Council to His Excellency Governor General New Delhi.	27.8.47	Enclosed a note by Supreme Commander on the future of Punjab Boundary Force. He recommends its break up keeping in view the communal infection in the troops.	490
160. High Commissioner for India, Lahore to Pandit Jawahar Lal Nehru.	27.8.47	Provincial Governments and Boundary Force are most unhelpful. Transfer of population is inevitable. Holocaust of Sheikhupura would be repeated at various places.	502
161. Minutes of sixth meeting of Joint Defence Council.	29.8.47	It was decided that Punjab Boundary Force should be abolished from midnight 31 August. Control of respective areas may be taken by both the Governments. Refugee convoys should be guarded by military of their communities. Custodian of refugees property should be appointed in both East and West Punjab.	503
162. To the People of East and West Punjab.	3.9.47	This is an appeal by Pandit Jawaharlal Nehru and Liaqat Ali Khan to maintain peace in the East and West Punjab.	508
163. Dr. Gopichand Bhargawa to Pandit Jawaharlal Nehru.	4.9.47	The East Punjab Chief Minister informs Pandit Jawahar Lal Nehru that Muslim army was committing excesses and it should be withdrawn.	509
164. His Excellency Sir C.M. Trivedi to Sardar Swaran Singh, Home Minister East Punjab.	4.9.47	The Sikhs should maintain peace only then peace can be established in East Punjab.	510
165. Sir Francis Mudie to Mr. Jinnah, Gover- nor General of Pakistan.	5.9.47	Gives a general view of the situation with particular reference to Sikh-refugee Camps. He clearly stated that he wanted the Sikh to migrate to India. He did not want that Indian leaders should visit Pakistan (This letter was leaked out and was published in Indian newspapers).	511

166. Situation in West Punjab as reported by I.G. Police East Punjab.		This information has been collected by the East Punjab Police from the day today activities of Punjab Boundary Force.	513
167 West Punjab Ordinance No. IV.	9.9.47	Rehabilitation Commissioner was appointed to assume possession and control of abandoned land and business undertakings and to permit the occupation of any abandoned buildings in his possession by refugees.	518
168 Major General Bakshish Singh Chimmi's Note		Evaluation or work should got priority over internal security.	521
169. Governor East Punjab to Home Minister East Punjab.	11.9.47	Regarding restoring law and order in East Punjab. He emphasized the Hindu Sikh unity.	522
170. Governor East Punjab to Home Minister East Punjab.	12.9.47	In order to evacuate Hindus and Sikhs from West Punjab attacks on Muslim Convoys should be stopped.	523
171. Premier West Punjab to Prime Minister Pakistan.	12.9.47	Keeping in view the grave situation in East Punjab all Muslims should be evacuated to West Punjab speedily.	524
172. Sir Francis Mudie, Governor West Punjab to Governor East Punjab (Sir C.M. Trivedi)	17.9.47	Unless the Sikhs allowed no Muslim convoy could pass Amritsar. Sikhs were organised and they created lawlessness. East Punjab Government should curb the Sikhs.	525
173. Swaran Singh to Sir Chandu Lal Trivedi.	17.9.47	This is in reply to document No. 165. There is no organisation behind this lawlessness. Both the Hindu and Sikh refugees were in the atmosphere of uncertainty and unrest. Lawbreakers of all communities got the chance.	526

174. Communique on recovery of abducted women.	18.9.47	Police staff in East and West Punjab was appointed for the recovery of abducted women.	528
175. Sir Francis Mudie, Governor of West Punjab to Mr. Jinnah, Governor General of Pakistan.	23.9.47	Reviews the general situation in West Punjab which he says has improved a little. But according to the information received by him the conditions in East Punjab were worse. He tells that the Custodian of Evacuees Property had been appointed in West Punjab. Threat to stop Sikh convoys had a deterring effect on Sikh in Amritsar.	529
176. Governor West Punjab to Prime Minister Pakistan.	23.9.47	Complains about Mamdot's continuing researches of non-Muslim convoys despite agreement to stop it.	532
177. Governor East Punjab to Maharaja Patiala	23.9.47	Stopping of coming of Sikh bands from Patiala State.	533
178. Daily Report of Military Evacuee Organisation.	23.9.47	It reviews the general movement of convoys and working of Military Evacuee Organisation.	534
179. Report on East Punjab's situation by Sher Khan.	24.9.47	Sher Khan was of Pakistan Military Evacuee organisation posted at Amritsar. He has reported about the working of Government machinery in East Punjab and that it was ineffective.	536
180. Sir Chandu Lal Trivedi, Governor East Punjab to Swaran Singh, Home Minister East Punjab.	26.9.47	The letter asserts that there was some organisation for creating lawlessness. Kirpan should be banned. We must protect Muslims if we are to save Hindus and Sikhs in Pakistan. Certain officials are affected by communal virus.	538
181. Mr. Jinnah, Governor General Pakistan to Sir Francis Mudie,	1.10.47	This is in response to document No. 175. In most cases Jinnah agrees with Sir Francis.	541

Governor of West
Pakistan.

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|--|----------|---|-----|
| 182. Chief Liaison
Officer, East Punjab
to Chief Secretary,
West Punjab Gov-
ernment, Lahore. | 4.10.47 | Gives the details of non-Muslims who
were not secure in West Punjab and urged
the West Punjab Government to take
necessary action. | 542 |
| 183. Order of the Day by
Brigadier Mohinder
Singh Chopra. | 11.10.47 | Exhorted his unit 123 infantry Brigade to
perform the duty in right earnest in
protecting Muslim convoys. | 543 |
| 184. Army Headquarters
India to H.Q.
Military Evacuation
Organisation
Amritsar regarding
raising of Military
Evacuation Organ-
isation. | 18.10.47 | Military Evacuation Organisation was set
up at Amritsar from 1st September, 1947.
This order was issued to regularise it. | 544 |
| 185. Army Headquarters
India to H.Q.
Military Evacuation
Organisation
Amritsar. | 18.10.47 | Raising of 5 special civilian transport
companies for attachment to Military
Evacuation Organisation. | 546 |
| 186. Convoy Com-
mander's Report. | 20.10.47 | The convoy Commander reports difficul-
ties he experienced while evacuating
refugees from Lahore. | 547 |
| 187. Joint Evacuation
Movement Plan. | 20.10.47 | Military Evacuation Organisation India
and Military Evacuation Organisation
Pakistan drew a Joint Evacuation Move-
ment Plan. It has twenty two items and at
the end it was signed by both Command-
ers M.E.O. India and Pakistan. | 548 |
| 188. Rail Movement
M.E.O. (I) Pro-
gramme from 1 to
10 Nov. 1947. | 20.10.47 | It gives tentative programme for first ten
days of November, 1947. | 552 |

189. Sampuran Singh Deputy High Commissioner for India, Lahore to Foreign Minister, New Delhi.	28.10.47	Intimates that Pakistan Government was to institute enquiry into Jassar train incident. This should done in conjunction with Indian Government.	553
190. Findings of Court Martial regarding Jassar Train Incident.	4.11.47	It gives report of findings of the Court which was signed at the end by all the members. This is comprehensive report dealing with the incident.	553
191. D.C. Rohtak to Governor East Punjab.	9.11.47	Muslims going to Pakistan were not asked to submit their weapons. No search conducted in foot convoys.	560
192. Strength and composition of Punjab Boundary Force.	19.11.47	In reply to Giani Gurmukh Singh Mus-safir enquiry statement showing the strength of Punjab Boundary Force was laid on the table.	560
193. Agreement between India and Pakistan to feed refugees.	21.11.47	The Governments of East Punjab and West Punjab have undertaken responsibility for running refugee and evacuee camps.	565
194. B.S. Grewal, D.C. Ambala to Chief Secretary, East Punjab Government.	25.11.47	Relates to Shambu train incident where Muslim refugee train was directed on to dead line.	565
195. Military Evacuee Organisation dispersal instruc- tions.	29.11.47	Instructions and administrative details for disposal of personnel, vehicles and equipment by December 15, 1947.	566
196. Non-Muslim camps in Western Punjab and N.W.F. Province - their location and clearance.	29.11.47	It gives the detailed list of refugee camps in Pakistan and also furnishes respective dates of their clearance.	568
197. Chief Liasion Officer to M.E.O. Amritsar.	4.12.47	This is based on Richard Symonds report regarding non-Muslim refugee being stranded in Azad Kashmir area. C.L.O.	571

		suggested some measures to bring them to India.	
198. Agreement between India and Pakistan regarding the recovery of abducted women.	6.12.47	It has seven clauses in all which were circulated for implementation.	572
199. Gopalaswamy Ayyangar to Raja Ghazanfar Ali Khan.	11.12.47	This is regarding the stranded non-Muslim refugees in Bahawalpur State.	573
200. Statement of S.K. Mearan driver of B.A. No. 610030.	14.12.47	How vehicle and refugees were stranded at Gujarat has been described in detail.	574
201. Sir Francis Mudie to Mr. Jinnah.	16.12.47	Gives the general situation in Punjab and intimates that exchange of population was practically over.	
202. Inspector General Police, West Punjab to Chief Secretary, East Punjab Government.	22.12.47	I.G. Police West Punjab sends the report of superintendents of police D.G.Khan, Sargodha, Sheikhpura and Lyalpur and concludes that C.L.O's report was exaggerated.	576
203. Fida Hussain, Home Secretary, West Punjab Government to Chief Secretary, East Punjab Government.	19.1.48	Recovery of non-Muslim abducted women during Jassar Train Incident.	581
204. Deputy High Commissioner for Pakistan in India to Chief Secretary, East Punjab Government Simla.	11.3.48	Regarding recovery of abducted Muslim women.	582
205. Steering Committee meeting for recovery of abducted women.	10.3.48	It decided various measures to be adopted for recovery of abducted women.	583
206. Award of Arbitral	17.3.48	Capitalisation on profits of irrigation	584

Tribunal on refer- ences by Punjab Partition Committee - reference No.1.		system of United Punjab.	
207. Award of Arbitral Tribunal on the reference by Punjab Partition Committee - reference No.2.	17.3.48	Appreciation of value of Crown waste land due to advent of canal irrigation and unrealised balances from land.	586
208. Award of Arbitral Tribunal on refer- ence by Punjab Partition Committee - reference No.3	17.3.48	Financial adjustment of land under irrigated forest plantation.	590
209. Award of Arbitral Tribunal on refer- ence by Punjab Partition Committee - reference No.4.	17.3.48	Determine the basis of book value of bulk storage bins and Lahore sheds for adjut- ment.	591
210. Award of Arbitral Tribunal on refer- ence by Punjab Partition Committee - reference No.5.	17.3.48	West Punjab Government's claim of share the income from seigniorage levied from Bikaner, Patial, Nabha for supply of water from Sutlej.	593
211. Award of Arbitral Tribunal on refer- ence by Punjab Partition Committee - reference No.6.	17.3.48	What should be ratio of adjustment between East and West Punjab.	594
212. Award of Arbitral Tribunal on the reference by Punjab Partition Committee - reference No. 7.	17.3.48	Should the assets of Punjab Cooperation Unions, Cooperative Industrial Bank be divided.	596
213. Award of Arbitral Tribunal reference No.8.	17.3.48	To determine how pensionary liabilities was to be assigned to East and West Punjab.	597

214. Award of Arbitral Tribunal reference No. 9.	17.3.48	Should there be physical division of Government Central Workshop at Amritsar.	598
215. Award of Arbitral Tribunal on reference No. 12.	17.3.48	Mr. S.N. Gupta former Curator of the Museum was appointed to divide the exhibits between East Punjab and West Punjab.	600
216. Award of Arbitral Tribunal on reference No. 25.	17.3.48	Division of Persian records-Khalsa Darbar Records given to East Punjab rest retained by West Punjab.	603
217. Award of Arbitral Tribunal on reference No. 31.	17.3.48	Machinery purchased from A.R.P. organisation should be divided between East Punjab and West Punjab as per list attached.	604
218. Award of Arbitral Tribunal on reference No. 32.	17.3.48	Division of securities with Reserve Bank of India. These should be divided in general ratio.	606
219. Award of Arbitral Tribunal on reference No. 33.	17.3.48	Regarding supply of electricity to West Punjab from Mandi Hydro-Electric Scheme Joginder Nagar which fell in the East Punjab.	607
220. Chief Liaison Officer (India) Lahore to Chief Secretary East Punjab Government, Simla.	29.4.48	Detailed survey report of work in open districts of West Punjab and estimate of persons to be evacuated and women to be recovered in the closed districts.	610
221. A Note of Chief Liaison Officer (India) regarding evacuation of non-Muslims.	7.8.48	This note deals with evacuation of non-Muslims especially Bazigars and recovery of non-Muslim abducted women.	617
222. Incidents at village Haranpur (Distt. Jehlum) of the Railway Train from Pind Dadan Khan.	Sept. 1948	The Communal riots at Harnpur are narrated then what happened to train which started from Pind Dadan Khan to Amritsar has been graphically described.	619

223. Killing arson and loot in Rawalpindi city.	Nov. 1948	It gives an account of Rawalpindi city and narrated how Hindu and Sikh inhabitants suffered there.	620
224. Report of work in the Cambellpur District.	Nov. 1948	Besides giving an account of evacuation it mentioned Raja Gazanfari Ali's mission to retain refugees.	625
225. Evacuation Report about Dera Ghazi Khan District.	Nov. 1948	Gives an account of Rajan where non-Muslims were ultimately evacuated. Praises the role of some local Muslims who extended all help to non-Muslims.	626
226. Report of evacuation in District Gujranwala.	Nov. 1948	It gives background of communal riots before 15th August. Then gives an account how Hindus and Sikhs were made to quit at various places and at the end gives the working of Liaison Agency in this district.	628
227. Report of evacuation work in District Gujarat.	Nov. 1948	First gives general background then gives tehsil-wise account of Tehsil Gujrat, Tehsil Kharian, Tehsil Phalia, An accounts of Lala Musa Camp and Mandi Bhahuddin narrated. Report ends with account of a Jakalian and Malankwal.	633
228. Report of Work in District Jhelum.	Nov. 1948	After giving a brief account of March riots 1947 he narrates the account of two Tehsils - Jhelum and Pind Dadan Khan is narrated and it ends with a note on recovery of abducted girls.	637
229. Report of Work by Liaison Agency in District Montgomery.	Nov. 1948	It is very comprehensive report beginning with the background of communal tension then it gives minute details of evacuation problem, recovery of abducted women, Attitude of Pakistan officials towards Indian Liaison Agency has also been discussed. Hindu population got converted to Islam till they got opportunity to be evacuated.	640

230. Report of work by Liaison Agency in District Multan.	Nov. 1948	It starts with riots of March 1947. Then it gives the accounts of the following places after establishment of Pakistan. Kot Khalsa (Khanewal Tehsil) Makhdumpur, Paharan, Chanu Tehsil Multan, Sujabad, Jalalpur, Thana Kahrur, Chak 39, Dunyarpurs, Majha Kotla and Jamalz acts. At the end of the report cases of recovery of abducted women and evacuation of the non-Muslims have been discussed.	650
231. Report of work by Liaison Agency in District Muzaffargarh.	Nov. 1948	It starts with March of disturbances and gives an account of August riots Tehsil-wise viz (i) Muzaffargarh Tehsil 12 villages. (2) Tehsil Kotla 8 villages. (3) Tehsil Leiah 6 villages. Then short notes have been given on clearance of small pockets, police searches, mass evacuation and recovery of abducted women.	659
232. Report of work by Liaison Agency in District Mianwali.	Nov. 1948	The district remained peaceful in general uptil 15th August 1947. First the account of town Bhakkar has been given - then follows account of villages Lehal, Notak, Sola Kanari, Darya Khan. Then the account of Mianwali, Tehsil and its villages like Harnoli, Mianwali town have been given. In the last account of Isakhel has been narrated.	671
233. Report of work by Liaison Agency in District Sargodha.	Nov. 1948	Generally district remained peaceful uptil 15th August. After that there started communal riots. First an accounts of Bhalwal Tehsil and its villages have been given. Then follow the Sargodha Tehsil and Shahpur Tehsil and Khushab Tehsil. At the end an account of evacuation and abduction of women etc. have been given.	679
234. Report of work by Liaison Agency in District Sheikhpura	Nov. 1948	Generally speaking the district remained peaceful uptil the establishment of Pakistan. Later on military was posted in Sheikhpura town and it brought havoc for the non-Muslims. Accounts of Sangla Hill, Narang Mandi Sharakpur, Ghazi	692

Androon, Dhaban Singh Railway
Station have been given.

235. Report of work by
Liaison Agency in
District of Sialkot.

Nov. 1948 First it gives general background of
the area. Then stabbing cases started
a few cases have been given. The
villages were attacked in the second
half of August, 1947. Then it gives an
account of Shakargarh and Norowal
Tehsils. The district was banned in
Jan. 1948 and Liaison Agency was
withdrawn.

696

Supplement

Correspondence Relating to the Punjab Boundary Award and Arrest of Sikh leaders

<i>No.</i>	<i>Name</i>	<i>Date</i>	<i>Main Subject</i>	<i>Page</i>
235.	Lord Mountbatten to Lord Ismay	12.2.48	Mohammad Zafarullah's allegation that Punjab Boundary Award had been altered to disadvantage of Pakistan. Lord Mountbatten wanted Lord Ismay to discuss this matter with Sir Evan Jenkins, the Ex-Governor of Punjab.	700
236.	Lord Mountbatten to Lord Ismay	19.3.48	Sends the copy of letter which he addressed to Sir Evan Jenkins.	701
237.	Lord Mountbatten to Lord Ismay.	2.4.48	Asked Lord Ismay to prepare comprehensive statement replying all charges since he knows all details. Abell did not consult Lord Mountbatten before writing letter to Abbot. Any generosity if it was to be shown should be shown in Bengal rather than in Punjab.	703
238.	From Lord Ismay to Lord Mountbatten (through U.K. High Commission in India)	7.4.48	Lord Ismay conveys the contents of letter of Sir Evan Jenkins in reply to his letter (Document 236) gives the sequence of events and informs how some documents were left in Lahore on which Pakistan Government framed charges against Lord Mountbatten.	706
239.	From Lord Ismay to Lord Mountbatten (through U.K. High Commission).	9.4.48	Replies the charges of Pakistan Government and stresses that the boundary line on the map sent to Lahore was a tentative one.	709
240.	From Lord Mountbatten to U.K. High Commission in Pakistan.	12.4.48	Lord Mountbatten explains his position with regard Abell's letter. Asks the U.K. High Commission to communicate immediately whatever is published in this connection.	710

243. Lord Mountbatten to Private Secretary to British Prime Minister (Through U.K. High Commission in India)	28.2.48 Lord Mountbatten is accused that he did not arrest the Sikh leaders though he knew the "Sikh Plan" and had promised to take action.	711
242. Lord Mountbatten to P.I. Neol Baker.	2.3.48 Lord Mountbatten intimates that decision not to arrest Sikh leaders was made by Governor of Punjab in consultation with Governor designate for East and West Punjab.	712

Causes of Bloodshed and Disturbances

243. Lord Ismay to Col. Erakin Crum	17.9.48 Lord Ismay records why power was transferred in hurry and why there had been riots and bloodshed in Delhi and Punjab.	716
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Summary of Supplementary Documents-II

Name and Title	Date	Main Subject	Page
244 Notes of a conversation between Sir Stafford and Short and Wayfort	March 20, 1946	Sikhs: Mr. Jinnah and Pakistan	718
245 Statement of Master Tara Singh	18.4.1946	Sikh Case	719
246 Situation Report on the Sikhs by J M Short	11.6.1946	Situation Report on Sikhs	720
247 Record of meeting of Cabinet Delegation with Viceroy	18.6.1946	Formation of Interim Government - Cases of Sardar Nishtar, Zakir Hussain etc. discussed.	722
248 Notes of interview with S. Baldev Singh by Id. W. (Wayfort)	28.6.1946	Sikhs and constituent Assembly, guarantee by Congress	724
249 Record of meeting of Cabinet Delegation with Viceroy	28.6.1946	Publication of correspondence with various leaders.	725
250 Sikh-Muslim Problem in Punjab by P. Moon	29.6.1946	Major Short's interview with Giani Kartar Singh Proposal of Sikh-Muslim League government	727
251 S. Baldev Singh, joining Interim Govt.	-	Sikhs reverse their previous decision of boycott of Constituent Assembly	728
252 From Secretary of State to Viceroy	18.11.1946	Sikhs and Constituent Assembly	729

253	Viceroy to Secretary of State for India	-	Regarding invitation of both the major parties to London to resolve constitutional cri- sis of constituent assembly	730
254	Lord Wavell's Alter- nate outline draft	-	In place of Cabinet Mission Plan, Lord Wavell presented his proposal for transfer of power.	732
255	Annexure I : A note by Abel's Private Secy to Viceroy	-	Gives the main reasons for immediate withdrawel from India	734
256	Memorandum for the Viceroy of decision by the Cabinet on Indian policy	-	This discusses various prob- lems which would relate from immediate withdrawal of the British	736
257	Future policy in India	20.12.1946	This discussed after effects of the proposal of Viceory	737
258	From Pethic Lawrence to Sir Stafford Cripps	5.3.1947	Suggests to modify his speech to pacify the Sikhs in Punjab	739
259	From Viceroy to Secy of State for India	20.5.1947	The contents of letter of Maharaja Patiala relating to demand of Sikhs being con- veyed to Secy of State	740
260	Prime Minsiter's memo	22.5.1947	It duscusses the Prime Min- ister's proposal for Transfer of Power.	741

Chapter I

1

Resolution of the Lahore Session of the All-India Muslim League, 23rd March 1940

Indian Annual Register Vol. I, 1940, page 311-12

While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League, as indicated in their resolutions dated the 27th August, 17th and 18th of September and 22nd of October 1939, and 3rd of February 1940 on the constitutional issue, this Session of the All-India Muslim League emphatically reiterates that, the scheme of federation embodied in the Government of India Act, 1935, is totally unsuited to, and unworkable in the peculiar conditions of this country and is altogether unacceptable to Muslim India.

It further records its emphatic view that while the declaration dated the 18th of October 1939 made by the Viceroy on behalf of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered *de novo* and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the Constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Mussulmans are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the Constitution for them and other Minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This session further authorizes the Working Committee to frame a scheme of Constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communication, customs and such other matters as may be necessary.

2

Draft Declaration of Sir Stafford Cripps
30 March 1942

S.D.J.C. Vol. II, p. 520-21

The conclusion of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion with the Indian Leaders and the question as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration:—

- (a) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.
- (b) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.
- (c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:
 - (i) the right of any Province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.
With such non-acceding Provinces, should they so desire. His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down.
 - (ii) The signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities: but will not impose any restriction

on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth. Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its "Treaty arrangements", so far as this may be required in the new situation.

- (d) the constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislature shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole and with the same powers as the British Indian members.

- (e) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

3

Memorandum handed over to Sir S. Cripps on March 31, 1942,
on behalf of Sikh All Parties Committee, Amritsar

Records of S.G.P.C. Amritsar.

Dear Sir Stafford Cripps,

May we begin by stating that after giving careful consideration to the proposals which have now been published from the point of view of India's integrity and the Sikh position, we find them unacceptable because:-

1. Instead of maintaining and strengthening the integrity of India, specific provision has been made for the separation of provinces and constitution of Pakistan and

2. The cause of the Sikh community has been lamentably betrayed. Ever since the British advent, our community has fought for England in every battlefield of the Empire, and this is our reward that our position in the Punjab which England promised to hold in trust, and in which we occupied a predominant position, has been finally liquidated.

Why should a province that fails to secure a three-fifths majority of its legislature, in which a community enjoys a statutory majority be allowed to hold a plebiscite and given the benefit of a bare majority? In fairness, this right should have been conceded to communities who are in a permanent minority in the legislature.

Further, why should not the population of any area opposed to a separation be given the right to record its verdict and to form an autonomous unit.

We, are sure you know that the Punjab proper extended upto the bank of the Jhelum, excluding the Jhang and Multan districts, and the trans-Jhelum area was added to it by the conquest of Maharaja Ranjit Singh and retained by the British for administration convenience. It would be altogether unjust to allow the extraneous trans-Jhelum population, which only accidentally came into the province, to dominate the future of the Punjab proper,

We give below figures which abundantly prove our contention:—From the boundary of Delhi to the bank of the Ravi River the population is divided as follow:

Moslems	4,505,000
Sikhs and other non-Moslems	7,646,000

From the Delhi boundary to the bank of the Jhelum River, excluding Multan and Jhang districts the population figures are:-

Moslems	8,288,000
Sikhs and other non-Moslems	9,348,000

To this may be added the population of the Sikh States of Patiala, Nabha, Jind Kapurthala and Faridkot, which is about 2,600,000. of this, the Moslems constitute barely 20 per cent and this reduces the ratio of Moslem population still further.

We do not wish to labour the point any more. We have lost all hope of receiving any consideration. We shall resist, however, by all possible means the separation of the Punjab from the All India Union. We shall never permit our motherland to be at the mercy of those who disown it.

We append a note on Sikhs' position with this memorandum.

Yours Sincerely,
Baldev Singh.
President of Sikh All Parties Committee,
Tara Singh
Joginder Singh
Ujjal Singh
Mohan Singh
(Ex-Advisor to Secretary of State for India).

NOTE ON THE SIKHS' POSITION

On behalf of the Sikhs we wish to place the claims of the Sikh Community in the proposed scheme of His majesty's Government for the governance of India. We begin by giving a historical background of our case.

The Sikhs are an important and distinct community, mainly concentrated in the Punjab of which they were the ruler until 1849. Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal.

The Sikhs play an important role in the economic and civic life of the country and a leading part in its defence. In the British Punjab with their 3,3/4 million population (13.5% of the whole) the Sikhs pay 25% of the land revenue and 40% of the land revenue and water rates combined, the main source of the provincial exchequer. They maintain at their own expense over 400 schools and four colleges open to all communities and classes without distinction. The percentage of literacy among the Sikhs is higher than in any other community in the Punjab.

They have got a large number of Sikh shrines with big landed estates attached to them which are the centres of the Sikh culture and tradition.

The authors of Montford Report recognised the importance of the Sikhs and "the difficulty of denying to the Sikhs in the Punjab a concession which is granted to Mohammedans" (para 163).

The Simon Commission states, Sikhism remained a pacific cult until the political tyranny of the Mussalmans and the social tyranny of the Hindus converted it into a military creed. It is a striking circumstance that this small community contributed no less than eighty thousand men (actually 89000 combatant recruits in addition to 32,500 already serving when the war broke out) "to serve in the Great War, a larger portion than any other community" in India."

With a population of over six millions in India, the share of the Sikhs in the Defence forces of the country has always been out of all proportion to their population. The Sikhs are perhaps the only community which is making an organised war effort by the establishment of the "Khalsa Defence of India League" to maintain its glorious traditions in the Army.

We do realise that with our past traditions and the excellent fighting material that can be found in the Sikh districts, we should have done still better in mobilising our man power, but we are constrained to remark that nothing has been done by the Government to rouse the enthusiasm of the Sikh community in the way of recognition of its status in the Central Government of providing effective safeguards for it in the Punjab to which it was entitled on its unrivalled position - historical, political and economic.

The Sikhs were deeply disappointed at the differential treatment meted out to them under the so-called "Communal Award" of 1932. In spite of their unique position in the Punjab, they were not given the same weightage in the legislature as the Muslim minorities were given in other Provinces. By way of illustration, it may be stated that the Muslim with 14.8% population in U.P. were given 30% seats in the Provincial Assembly as against 18.8% seats to the Sikhs in the Punjab with their 13.5% population. Their influence in the administration and political life of the Punjab was further weakened in the formation of the Provincial Cabinet.

Whereas in the days of dyarchy out of three Punjabis appointed as ministers and members of the Governor's Council, there was one Sikh from 1921 to 1926 and one Sikh out of four Punjabis from 1926 to 1937, since the advent of the provincial autonomy there has been only one Sikh out of the total of six ministers. It will thus be observed that in the sphere of the supreme executive of the Province, the representation of the Sikhs was reduced from 33% to 25% in 1926 and to 16% in 1937. This progressive deterioration of the share of Sikhs in the Punjab Cabinet is strongly resented by the Community, as it has led to encroachment on their religious and cultural rights and the waning of their influence on the political and economic life of the country.

We submit that under the existing constitution the strength of the Sikhs in the Punjab Cabinet should be maintained normally at 33% and in no case below 25% so that there may always be at least two Sikh ministers in the Cabinet. We also feel that so long as communal electorates continue to be the method of representation in the legislature, the Cabinet should be formed on a coalition basis in the true sense of the word. We may here point out that when ministers were functioning in all the provinces, in U.P. where the percentage of the Muslim population is nearly the same as that of Sikhs in the Punjab there were two Muslim ministers in a Cabinet of six.

In the sphere of the Central Government the Sikh community in spite of its important state in the country, its sacred shrines scattered all over India and the valuable services that the Sikh soldiers and technicians are rendering, has been unjustly treated. The Sikhs have suffered a great disillusionment by the deliberate neglect of their claims, and the omission of any reference to the Sikh minority by the British statesmen and the Viceroy of India in their statements made from time to time during the last ten years on the Indian question. It seems as if in their opinion, Muslims alone or the Depressed classes, sometimes, constitute the important minorities of India.

Although for seventeen years a Punjabi has been appointed on the Viceroys Council, no Sikh has ever been considered for such an appointment. Even at the time of the last expansion of the Executive Council, the claims of the Sikhs were entirely ignored.

In this connection we would like to invite attention to the decisions of the Allahabad Unity Conference which were arrived at between Hindus, Muslims and Sikhs in November 1932, Resolution No.4 regarding Cabinets reads as follows:

1. "In the formation of the cabinet of the Central Government so far as possible members belonging to the Muslim, Sikh and other minority communities of considerable numbers forming the Indian Nation shall be included by convention."
2. "Further during the first ten years in the formation of the Central Government, a seat shall be offered to a member of the Sikh Community."

Resolution No.7 reads as under-

- (ii) "It is agreed that in the Central Legislature out of the total elected seats allotted to British India 33% shall be reserved for Muslims and 4% or 14 seats out of 300 for Sikhs."

It will thus be observed that leading Indians of different communities recognized the

importance of the Sikh minority and agreed to accommodate it in the Central Cabinet, and also to give it nearly 5% representation in the Central Legislature.

We favour immediate transfer of power to Indian hands, entrusting all portfolios, including Defence, to Indians with experience of public life. We feel that in this way alone, the moral and material resources of India can be tapped to the fullest extent and Indians can participate in the war with all vigour and enthusiasm.

The Sikhs stand for national unity and the integrity of India. They would like the provinces to enjoy as wide a measure of autonomy as may be compatible with good government in the country as a whole but they also feel that any weakness at the Centre will expose India to internal and external danger.

They are strongly opposed to the vivisection of India into two or three rival Dominions or sovereign States as is contemplated in the British proposals. They feel that such a step would lead to a state of perpetual strife and civil war in the country.

If the object is to give self-determination to the provinces in the matter of accession to the "Union of India", the right to stand out and break the unity, of India should not be exercised by a bare majority but by at least 65% of Indian members present at the meeting of the Provincial Assembly when the resolution is considered. A plebiscite on the issue of succession is certain to lead to intercommunal riots of a most serious character and magnitude and should in no case be resorted to.

We are constrained to remark that the proposed scheme does not make any provisions for safeguarding the interests of the Sikh minority. The decisions of the constitution-making body are to be by a bare majority and no provision is made for recourse to arbitration by the aggrieved party as was even assured by Mahatma Gandhi in his statement on the Congress scheme of Constituent Assembly. The treaty which is proposed to be negotiated between the constitution-making body and His Majesty's Government for protecting the religious and social minorities in accordance with undertakings given by the British Government will have no sanction behind it. Besides we are not sure how political rights which relate mainly to a share in the legislature and the administration of the country will be incorporated into the treaty. The treaty might cover the cultural religious and linguistic rights of minorities as such treaties in European countries after the last great War did. But the undertakings given to the Sikhs by His Majesty's Government from time to time relate to the position and status of the Sikhs in the governance of the country and not merely regarding the exercise of their religious or cultural rights.

The Sikhs, therefore feel that they cannot attain their rightful position or can effectively protect their interests unless the Punjab is redistributed into two provinces with River Ravi as forming the boundary between them.

We might invite attention to the All-India Muslim League resolution of the Lahore session held in March 1940 which is popularly known as the Pakistan Resolution.

"That no constitution would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, viz. that geographically contiguous units are demarcated into region which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign."

A careful reading of the resolution discloses the fact that the Muslim League itself visualised the readjustment of areas and the inclusion in their separate state of only those areas in which the Muslims were in a majority.

The population of the Punjab is so distributed that the two western divisions of Rawalpindi and Multan are predominantly Muslim and the two eastern divisions of Ambala and Jullundur are predominantly non-Muslim. The three central districts of Amritsar, Gurdaspur and Lahore have a balanced population. The separate figures of population for each district of the Punjab are attached as annexure to this statement. If a new province of a contiguous area of the two divisions of Ambala and Jullundur plus the three districts of Lahore, Gurdaspur and Amritsar is carved out, it will have a total population of 12,151,000 (according to the 1931 census) with non-Muslim forming 63% and Muslims 37% of the population. The other province to the west of the River Ravi comprising Multan and Rawalpindi Divisions plus the three districts Sheikhupura, Sialkot and Gujranwala will have a total population of 11,429,000, with Muslims forming 77.3% and non-muslims 22.7% of the population.

The Sikhs do not want to dominate but they would certainly not submit to the domination of a community which is bent upon breaking the unity of India and imposing its personal laws and culture on the other sections of the population.

We submit that in any interim arrangement or in the permanent scheme the following safeguards should be provided either in the treaty which might be enforceable or in the constitution itself.

1. By delimiting the present provincial boundaries of the Punjab a new province comprising Ambala and Jullundur Divisions with the three districts of Amritsar, Gurdaspur and Lahore be constituted.
2. The Sikh minority in the provinces be given the same weightage and measure of protection as the Muslim minority.
3. So long as communal electorates exist, provincial cabinets should be formed on coalition basis.
4. The Sikhs should always be given 5% representation in the Central Legislature.
5. A Sikh should always be given a seat in the Cabinet of the Central Government.
6. A defence Advisory Committee should be set up for advising the Indian Defence Minister and a Sikh should be given a seat on that Committee.
7. The position of the Sikhs in the defence forces of India should be maintained in keeping with their past tradition and strength in those forces.
8. The share of the Sikhs should be fixed in provincial and all-India services on the lines it has already been provided or may be provided for the Muslims.
9. Religious laws of Sikhs enacted, may only be amend by the votes of the Majority of the Sikh members in the Legislature.
10. No restrictions should be imposed by the State in the exercise of the religious rights of the Sikhs in the matter of eatables and religious performances.
11. The State should provide for the teaching of Punjabi in Gurmukhi script where a certain fixed number of scholars is forthcoming.

Baldev Singh President.

District wise Percentage of Muslim Population (1931)

Jullundur Division:

1.	Kangra	5.5
2.	Simla	
3.	Hoshiarpur	31.8
4.	Jullundur	44.5
5.	Ludhiana	35.1
6.	Ferozepur	44.6

Ambala Division:

7.	Hissar	28.3
8.	Rohtak	17.1
9.	Gurgaon	32.7
10.	Karnal	30.5
11.	Ambala	31.0

Lahore Division:

12.	Amritsar	47.0
13.	Gurdaspur	50.8
14.	Lahore	59.2
15.	Sialkot	62.2
16.	Gujranwala	70.8
17.	Sheikhupura	64.1

Multan Division:

18.	Montgomery	69.8
19.	Lyallpur	62.6
20.	Jhang	83.2
21.	Multan	80.3
22.	Muzaffargarh	86.8
23.	Dera Ghazi Khan	88.7

Rawalpindi Division:

24.	Gujarat	85.4
25.	Shahpur	82.7
26.	Jhelum	89.1
27.	Rawalpindi	82.8
28.	Attock	90.9
29.	Mianwali	86.9

Master Tara Singh to Sir Stafford Cripps

Khalsa College Amritsar - S.H.R. 1815

AMRITSAR (Punjab).

Dated 1.5.1942.

Dear Sir Stafford Cripps,

I am very much obliged for the sweet words you used in appreciating the services of the Sikhs in your speech delivered in the House of Commons on 28.4.1942. But sweet words, however, pleasing and tasteful they may be, cannot satisfy my appetite for bread. I need something substantial.

I am sorry to notice the following passage in your speech "We have, however in the past given undertaking to these minorities, but in none of these cases, other than that of the Muslims, could these promises be dealt with by such a device as non-accession. The minorities are not sufficiently localised on self-contained even in the case of the Sikhs to make that possible, assuming that upon other grounds it was desirable." I thought I had convinced you at Delhi that you could give Sikhs substantial protection by dividing the present Punjab in two parts and giving right of non-accession to each part. The Sikhs and the Hindus do not want to go out of India. Why should the non-Muslim majority of the Central and the Eastern Punjab be forced to go out of India against their wishes, simply because the overwhelming Muslim majority of the Western and Southern Punjab likes to have them as their subjects. Why should premium be put upon secession from India. One could understand if it was decided that those who liked to go out of India can do so only with the consent of the minority in that province, provided the minority is a fairly large one. But it is an astounding thing to say that those in overwhelming majority in part of province can take with than the majority of the other part simply because the combination of these two parts still leaves them in majority as a whole.

You seem to be inclined to concede that the Sikhs deserve protection of the above said nature on "other grounds" but it was not possible. This is not right. You cannot refuse to give a child half a loaf of bread on the ground that he cannot digest the full loaf. The Sikhs certainly cannot dominate in any decently large portion of the country and hence they do not demand domination. But a big province, much bigger than many of the existing provinces, in area, population and wealth can certainly be carved out in which the Sikhs are dominated by no singly community. We do not want domination, we cannot have it. This does not mean that we should not be given protection which we can have. If you can separate provinces from India for the domination of the Muslims, why you refuse to separate a big area for the protection of the Sikhs from the rule of a single community, When we Sikh representatives talked to you on this subject at Delhi, we got the impression that you were feeling the force of our argument, You told us of course that you could not commit but that our argument was such as was to be carefully considered by the Cabinet. But in your speech in the Parliament, you ignored our argument altogether. This leaves the Sikhs forlorn and

dejected.

I may let you know that it is being talked everywhere amongst the Sikhs that they are between two fires. They are to have *JAPANISTAN* in case of defeat and *PAKISTAN* in case of victory. You can well imagine what effect this frame of mind can have upon the Sikh morale. I pray you, consult your colleagues and give us some cheering assurance to raise our morale. Assure us that we shall not be thrown to the mercy of those who are disowning the MOTHERLAND.

I am
Yours sincerely,
Sd/-Tara Singh (Master)

5

Demand For Reorganisation of Punjab

Shiromani Gurdwara Parbhandak Committee da Panjah Sala Itihas.
S.G.P.C. Amritsar, p. 206.

The Shiromani Gurdwara Parbhandak Committee meeting held on 27th Feb. 1943. passed the following resolution:

Keeping in view the approaching difficult times the general body of Shiromani Gurdwara Parbhandak Committee, Amritsar declares:

1. In the opinion of this body establishment of Pakistan is detrimental to the Sikhs
2. Muslim majority areas of Punjab should be separated from Punjab and in the remaining Punjab Sikh minority rights should be protected in the same way as Muslim rights are protected in U.P. and C.P. and Hindu Sikh rights in N.W.F. Province.

6

Rajagopalachari Formula (May 1944)

The Indian Annual Register, Naripendra Mitra
Vol. I, Jan-June 1944, p. 111.

- (i) Subject to the terms set out below as regards the constitution of a free India, the Muslim League endorses the Indian demand for Independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period.
- (ii) After the termination of the war a Commission shall be appointed for demarcating contiguous districts in the North-West and East of India wherein the Muslim

population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants, held on the basis of adult franchise or other practicable franchise, shall ultimately decide the issue of separation from Hindustan. If the majority decides in favour of the formation of a sovereign State separate from Hindustan, such a decision shall be given effect to, without prejudice to the right of the districts on the border to choose to join either state.

- (iii) It will be open to all the parties to advocate their points of view before the plebiscite is held.
- (iv) In the event of separation, a mutual agreement shall be entered into for safeguarding defence, commerce and communications and other essential purposes.
- (v) Any transfer of population shall only be on an absolutely voluntary basis.
- (vi) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the Government of India.

7

Resolution for splitting of the Punjab

*The Idea of Sikh State by Gurbachan Singh and Lal Singh Giani,
Lahore Bookshop, Lahore 1946, p.1-3*

Resolution adopted in, Feb. 1946 at Lahore by a representative gathering of prominent Sikh leaders under the presidentship of Master Tara Singh.

The Panth notes that at the present moment, on the eve of expected far-reaching changes in the constitution of the country the desire on the part of the majorities to dominate the minorities is rising with great tempo, as is evidenced by the slogans of Akhand Hindustan and Pakistan:

It further notes that in a situation so greatly changed with aggressive communalism, the minorities, and especially the Sikhs, find themselves placed in a position in which they cannot safeguard their national existence against the high-handedness of a politically organised communal majority, which conviction is further strengthened by the experience of the working of Provincial Autonomy for nine years, resulting in grave attacks being made on the cultural, civic and political rights of the Sikhs in the Punjab.

After giving mature and thoughtful consideration to the foregoing, the panth is strongly of the opinion that no safeguards and guarantees of a constitutional nature, no weightage or protection, promised to the Sikhs by any of the majority communities can be considered adequate to protect the Sikhs and ensure their free and unhindered growth as a nationality with a distinct religious, ideological, cultural and political character;

In order to ensure the free and unfettered growth of the Sikh Panth, the Panth demands the splitting up of the existing province of the Punjab, with its unnatural boundaries, so as to constitute a separate autonomous Sikh State in those areas of the Central, Northern, Eastern and South-Eastern Punjab in which the overwhelming part of the Sikh population is concentrated, and which because of the proprietors in it being mostly Sikhs, and its general character being distinctly Sikh is also the *de facto* Sikh Homeland - the area, extent, the

status and constitutional frame-work of such a State being left to be settled by negotiation between the accredited representatives of the Sikh Panth and the other interested parties, such as the British Government, the Hindus and the Muslims; further resolving that the above demand is the unconditional absolute and minimum demand and political objective of the Sikh Panth as a whole.

The Panth visualizes, but this proposed state will be democratic in constitution and will have a socialistic economic structure, with full protection of the culture and rights of the minorities.

8

No compulsion for any province or part of province

Resolution passed by All-India Congress Committee on 6 January 1947
Encyclopida of Indian National Congress Vol.13, New Delhi, P.109-110

The A.I.C.C. having considered events that have taken place in the country since the Meerut Session of the Congress in November last, the statement issued by the British Government on the 6th December, 1946 and the statement of the Working Committee of the 22nd December 1946 advises Congressmen as follows:

- (1) The A.I.C.C. endorses the statement of the Working Committee of the 22nd December 1946, expresses its agreement with the views contained therein.
- (2) While the Congress has always been agreeable to making a reference to the Federal Court, on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to the recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.
- (3) The A.I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A.I.C.C. realises, and appreciates the difficulties placed in the way of some provinces, notably Baluchistan, Assam the N.W.F.P. and the Sikhs in the Punjab by the British Cabinet scheme of 16th May 1946 and more especially by the interpretation put upon it by the British Government in their statement of 6th December 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned - a principle which the British Government have themselves recondensed.
- (4) The A.I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a Constitution for free India with the goodwill of all parties concerned, and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in Sections. It must be

clearly understood however, that this must not involve any compulsion of a province, and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion the province or part of a province has a right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend on the developments that take place, and the A.I.C.C therefore, directs the Working Committee to advise upon it whenever circumstances so require, keeping in view the basic principle of provincial autonomy.

9

**Statement by Mr. Attlee, Prime Minister, in the House of Commons,
20 February 1947**

S.D.I.C. Vol. II P.667-669

1. It has long been the policy of successive British Governments to work towards the realization of self-Government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians and today the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognized the principle that Indians should themselves frame a new Constitution for a fully autonomous India and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of the 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and Constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the Government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future Constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

4. These proposals, made public in May last, envisaged that the future Constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian

States.

5. Since the return of the Mission an Interim Government has been set up at the Centre composed of the political leaders of the major communities exercising wide powers within the existing constitution. In all the Provinces Indian Governments responsible to Legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a Constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a Constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948.

8. This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realized and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a Constitution should be worked out. This was embodied in their statement of May last. His Majesty's Government there agreed to recommend to Parliament a Constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a Constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India, should be handed over on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem, most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under Paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

14. His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with representatives of those to whom they propose to transfer power.

15. His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

16. The House will wish to know of an announcement which is being made public today. Field-marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the middle East, South-East Asia and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

Mr. Abell to Mr. Harris

Telegram, R/3/B/130: f 195 T.P. Vol. IX-475

IMPORTANT
CONFIDENTIAL

New Delhi, 1 March 1947, 9.30 a.m.

Received: 1 March, 8 p.m.

"There was some argument on the interpretation of "parts of the country" in the last paragraph of the Statement of December 6th. Nehru argued that "parts of the country" could mean "parts of a Province". Viceroy said that was certainly not the intention of HMG and did not override the original statement in which existing Provinces were treated as a whole. Viceroy added that if the statement of the AICC was merely meant to emphasize the obvious truth that any constitution, Provincial, Group or Central, could only be formed with the consent of the great majority of the people, Congress should say so; but that if it implied that a part of a Province could secede during the process of constitution making, this was entirely inconsistent with the acceptance of the Mission's Plan.

'Filed Marshal Viscount Wavell to Sir E. Jenkins (Punjab)

*Wavell papers. Official Correspondence: India, January 1946-march 1947,
T.P. Vol. IX-489*

No. 90/13

6 March 1947

The Viceroy sent the copy of telegram which he despatch to the Secretary of State.

"As you see from my telegram, I agree with, the Secretary of State that we must first exhaust the possibilities of an agreement on the basis of long-term assurances to the Sikhs. Baldev Singh told Abell today that in his view His Majesty's Government ought to tell both parties that they insist on Group B, but will divide the Punjab into two provinces, one predominantly Muslim and one predominantly non-Muslim. The latter Province would not have the option of opting out of Group B until the end of ten years i.e. it could not join Group A immediately."

Sir E. Jenkins to Lord Wavell

I.O.R. R/3/1/89

No.653
Government House, Lahore
7th March 1947.

Dear Lord Wavell,

Many thanks for your Excellency's letter No. 90/13* of 6th March. Yesterday there were some signs that the communities might be prepared to take a more reasonable line. Firoz, when he saw me in the morning was strongly in favour of a coalition of some kind and said that he personally was prepared to make concessions to the Sikhs. He had not consulted Mamdot and is, as Your Excellency knows, unreliable and disloyal to his colleagues. After I had seen Firoz, I saw a non-Muslim deputation which included Sardar Ujjal Singh and Giani Kartar Singh. Sardar Ujjal Singh suggested that I should mediate and asked me to put in writing my general views about a settlement. He agreed with me that civil war and partition were both unthinkable, and that we should go in for a united Punjab under some Government acceptable to a large proportion of Punjabis. In the evening a Peace Committee consisting of Mamdot, Firoz Daultana, Iftikhar-ud-Din, Shaukat, Tara Singh, Sachar, Singha (the Speaker), Gopi Chand Bhargava (one of the Lahore Congress leaders), Swaran Singh and Gibbon (the Anglo-Indian M.L.A.) was formed. I am not sure that Tara Singh really joined this Committee, as I understand he was in Amritsar yesterday and is still there. But the fact that many of the persons responsible for the present communal outbreak have met and are co-operating with one another is encouraging. Swaran Singh suggested the formation of a committee of this kind and I passed the suggestion on to Mamdot.

2. At the moment I feel that the best thing I can do is to take up Ujjal Singh's suggestion and let him have a paper of some kind about the terms of a possible settlement. I enclose a copy of a draft I have prepared. It is designedly written in an impersonal and non-technical way and avoids any suggestions so definite as to be converted into commitments or demands.

5. Amritsar was my main anxiety yesterday. By the evening the city was completely out of control. There was some difficulty in securing reinforcements—we are so tied up now that neither the Area Commander (Bruce) nor I wish to commit reserves until we are quite sure about the need for committing. The death roll does not seem to be very high, but the figures we have are only for the corpses which have passed through the hospital mortuary. Most of the population seem to have produced arms, including firearms, and many buildings are burning. ---- Lahore is rather quieter, though still very uneasy. I have no further reports from Multan. Bad rioting is reported from Rawalpindi with 25 dead and perhaps 100 injured. Rioting has continued in Sialkot and Jullundur.

These affairs always go through three stages-frenzy, funk and recrimination. At Lahore we are reaching the second stage. If we can clean Amritsar up in the next 24 hours, we should be able to cope adequately with any trouble elsewhere. The Police, especially the senior officers, have done magnificently and we have first class co-operation with the Army.

His Excellency Field-Marshal
The Right Hon'ble Viscount Wavell of
Cyrenacia and Winchester, Viceroy &
G.G. of India.

Yours sincerely,
Em Jenkins

-x See document No. 11

Enclosure to Document 12

The Punjab Problem

The population of the Punjab according to the Census of 1941 is distributed approximately as follows:

<i>Commissioner Divisions</i>	<i>Muslims</i>	<i>Non-Muslims</i>
	<i>(Round millions)</i>	
1. Rawalpindi	9	2
2. Multan		
3. Lahore	4	3
4. Jullundur	3	7
5. Ambala		
	<hr/>	<hr/>
	16	12

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The Rawalpindi and Multan Divisions may fairly be described as Muslim country, and the Jullundur and Ambala Divisions as non-Muslim country. The Lahore Division is common ground; it has a Muslim majority, but it includes a great part of the Sikh "Holy Land" and economic interests which are largely non-Muslim.

2. It is evident that no one community can rule the Punjab with its present boundaries except by conquest. There has been so much talk about "civil war" that it is worth considering what its consequences would be.

In the first place, it would cause misery and suffering on a scale unknown in the Punjab for more than a century.

Secondly it might and probably would, destroy the Punjab economically. The Punjab as we know it is largely an artificial creation of Irrigation Engineers. During a period of anarchy our vast canal system would not be maintained and parts of it might be deliberately

destroyed. Without it we could support perhaps two-thirds of our 1947 population, which must be roughly 30 million.

Thirdly, it would be inconclusive. It is unlikely that any one community could conquer and hold the entire Punjab; and the result of a "civil war" would in fact be a partition, the parties to which would have destroyed the administrative machine, the irrigation system, and the other props of orderly Government.

3. If we reject as we obviously must, the idea of "Civil War", we are left with two peaceful solutions:-

- (i) an agreed partition of the Punjab between Muslims and non-Muslims: or
- (ii) a united Punjab with its present boundaries under a constitution and a Government that all communities will accept.

4. Let us first examine alternative (i) the agreed partition.

The Muslims would clearly take the Rawalpindi and Multan Divisions.

The non-Muslims would take the Jullundur and Ambala Divisions.

But it is not clear how the Lahore Division should be divided. On population alone Amritsar should go to the non-Muslim State, and the other five districts (Lahore Gurdaspur, Sialkot, Gujranwala and Sheikhupura) to the Muslim State. But when we get down to details we inevitably find that crude population figures are not necessarily the only criterion. Within districts communities are not evenly distributed - city and town populations often have a different communal composition from that of the adjoining countryside; and in some districts the population of *Tahsils* differs widely. For example, in Gurdaspur with 590,000 Muslims and 560,000 non-Muslims, the Pathankot Tahsil is predominantly non-Muslim while in the other three Tahsils the Muslims have small majorities. Again even within a *Tahsil* there may be fairly solid communal blocks - the *Riarki* tract of the Batala Tahsil of Gurdaspur adjoins the *Manjha* and resembles it in many ways, though the Batala Tahsil as a whole (including Batala city) has a small Muslim majority.

The mere settlement of the principles of partition would be extraordinarily difficult, and it is worth considering whether if partition were achieved, the Punjab would be the better for it.

Let us assume that we have drawn our line - say (for the sake of argument) to include Gurdaspur and Amritsar in the non-Muslim State and Lahore, Sialkot, Gujranwala and Sheikhupura in the Muslim State. Before long the following disadvantages will become apparent:-

- (i) Our minorities problem will not be solved. Both States (particularly the non-Muslim State) will have considerable and probably discontented minorities. Punjabis as a whole will be no safer and no more comfortable than they are now.
- (ii) We shall have cut across a section of Punjabis homogeneous in speech, and in many other ways, to create an artificial frontier for which geographically, economically, linguistically and socially there is no justification whatever. Subjects of the Muslim State will doubtless have to produce passports and undergo Customs examination on entering the non-Muslim State and vice versa although many of them will own

- property and have near relations on both sides of the frontier.
- (iii) Lahore must go to one State or the other - it cannot be in both. But Lahore has been created by all Punjabis and not by Muslims or non Muslims alone.
 - (iv) The non-Muslim State will have the lion's share of our power resources; the Muslim State will inherit the colony districts which are a joint creation of all Punjabis over half a century.
 - (v) We shall have reduced what might be a powerful country to two petty States incapable of real economic development, overloaded with overhead charges, and useful only as "buffers" between the rest of India and the outer world.
- Partition solves no problems and does not really make sense.

5. Let us revert therefore to alternative (ii) a United Punjab.

This is not impossible of achievement provided we think as Punjabis, and put our own safety and welfare first. It is sometimes said that this condition cannot be satisfied since the Muslim League and the Congress must take orders from their respective High Commands, leaving the Sikhs as the only independent community capable of thinking and acting as Punjabis. To an impartial observer it would seem that this contention is now incorrect. By the end of June 1948 one of two things will have happened-a Central Government will have been formed or agreed upon by the Muslim League and the Congress; or there will be (so far as the Punjab is concerned) a vacuum at the Centre. In both these positions the only Government suited to a United Punjab is a Coalition supported, if not by all, at least by a large proportion of Punjabis. Such a Coalition could "tune in" to a Central Government formed by the Muslim League and the Congress; equally it could administer the Punjab independently if it were called upon to do so.

6. If we are to form such a coalition we must first be clear on certain basic principles:-

- (i) The Muslims must be prepared to negotiate with the non-Muslims as Punjabis, and must be authorised to take their own decisions: further they must recognize that the non-Muslims can reasonably ask for guarantees about their long-term future in the Punjab.
- (ii) The non-Muslims on their part must recognize that the Muslims are the majority community, and must in certain matters take the lead-not by reason of personal superiority but on account of their numbers. Like the Muslims, Hindus who act on the instructions of a High Command must obtain authority to negotiate for themselves.

7. Should negotiations be opened, they would apparently have to cover the following ground:

- (1) the settlement of the framework (not the details) of the final constitution of the Punjab;
- (2) the appointment of a special committee to draw up the final constitution:
- (3) after stage (1) but while stage (2) proceeds the formation of a Ministry to carry on *ad interim*.

8. (i) *The framework of the Final Constitution.*

The non-Muslims will presumably wish to be sure of the following rights:-

- A. *Representation* (i) in the Legislature
(ii) in the Cabinet
(iii) in the Services.

These are matters on which preliminary comment would be un-profitable.

- B. *Protection against decisions in the Legislatures or the Cabinet adversely affecting a minority community.*
C. *Autonomy in matters of religion and culture.*

Heads B and C are really negative and positive aspects of the same thing.

Under *Head B* there are several possible devices so far as the Legislature is concerned, for example:-

(a) a Second Chamber to which all Bills would be referred, plus any other business in the Lower House in respect of which the majority of the members belonging to any one community voted for such a reference. The Second Chamber would have to be so constituted that Muslims and non-Muslims in it were equal in numbers.

(b) a special tribunal to decide on a reference made at the instance of the majority of the members of the Legislature belonging to any one community whether a proposal or measure adversely affects that community or not. If the special tribunal decides in the affirmative, the proposal or measure should not be carried save by a majority of the House including a two-thirds majority of the community affected.

(c) a rule of procedure under which certain special measures should not be carried in the House without a prescribed majority of the members of all communities, e.g. measures relating generally to education, religion, etc.; or in the case of measures confined to one community without a prescribed majority of the members of that community e.g. measures relating to the Hindu Law of marriage of inheritance, the composition of Gurdwara Committees, and the like.

Experience does not suggest that any safeguard under *Head B* is needed in the Cabinet. Cabinets do not work by votes, and in a Coalition resignation is a very powerful sanction.

Under *Head C* it would be possible to set aside annually a sum for expenditure on religious and cultural subjects, to distribute it among the communities on a population basis, and to delegate to the representatives of each community power to spend their share as they thought fit.

It will doubtless be recognised that arrangements of this kind perpetuate communal divisions and make them worse; but they are preferable to a partition.

9. (2) *Appointment of a negotiating committee.*

If the communities could decide broadly what devices they will accept, a committee would be needed to work out the details and put them into final shape. This cuts across the

work of the Constituent Assembly; but at some stage the parties will have to instruct their delegates what line to take and at present the Muslim delegates are not attending the Assembly at all.

10. (3) Formation of a interim Ministry. This would follow immediately on the acceptance of the long-term framework. The composition of the Assembly would not be changed but any agreement about representation in the Cabinet and the Services could be introduced at once. Neutral referees could be found on Minority "protection" issues, and budget allotments for religious and cultural purposes could be made.

11. There is little doubt that given good-will and common sense the Punjab can be kept in one piece and governed by a Ministry acceptable to Punjabis.

Emj
sd/- (Em Jenkins)
7.3.47

13

Demand for Partition of Punjab

*Resolution the Congress Working Committee on 8th March, 1947.
Annual Register 947, Vol. I, p-158*

PUNJAB

During the past seven months India has witnessed many horrors and tragedies which have been enacted in the attempt to gain political ends by brutal violence, murder and coercion. These attempts have failed as all such attempts must fail and have only led to greater violence and carnage.

The Punjab, which had thus far escaped this contagion, became six weeks ago the scene of an agitation, supported by some people in high authority, to coerce and break a popular Ministry which could not be attacked by constitutional methods. A measure of success attended this, and an attempt was made to form a Ministry dominated by the group that led the agitation. This was bitterly resented and has resulted in increased and widespread violence. There has been an orgy of murder and arson and Amritsar and Multan have been scenes of horror and devastation.

These tragic events have demonstrated that there can be no settlement of the problem in the Punjab by violence and coercion, and that no arrangement based on coercion can last. Therefore, it is necessary to find a way out which involves the least amount of compulsion. This would necessitate a division of the Punjab into two Provinces, so that the predominantly Muslim part may be separated from the predominantly non-Muslim part.

The Working Committee commend this resolution which should work to the advantage of all the communities concerned, and lessen friction and fear and suspicion of

each other. The Committee earnestly appeal to the people of the Punjab to put an end to the killing and brutality that are going on and to face the tragic situation, determined to find a solution which does not involve compulsion of any major group and which will effectively remove the causes of friction.

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Pandit Jawahar Lal Nehru to Lord Wavel

I.O.R - M.B 120

17, York Road,
New Delhi,
9th March 1947.

Dear Lord Wavell,

During the last three days the Congress Working Committee has anxiously considered the situation in the country and more specially the announcement made by Mr. Attlee on February 20th. They have passed some resolutions and I am enclosing three of these for your information. I hope you will be good enough to send them to HMG.

2. You will notice that the Working Committee have welcomed Mr. Attlee's statement. We have purposely not gone into any details because the major decisions mentioned in it govern the situation. There are many matters which are not clear. Presumably light will be thrown upon them later on. For the present we did not think it necessary to draw special attention to any of these matters. It is clear, however, that an early decision will be required in regard to our future work in the Interim Government.

3. It is our intention, as you will observe from one of the resolutions sent to approach the Muslim League for a joint meeting to consider the situation. We went to do everything in our power to get the League representatives into the Constituent Assembly, so that all of us might function in terms of the Cabinet Mission's statement of May 16, 1946.'

4. If unfortunately this is not possible, then we shall try to lay down a course of action which avoids friction and conflict. It is with this object in view that we have sought a meeting with the League and have also suggested the division of the Punjab into two parts. This principle would, of course, apply to Bengal also.

5. This proposal that we are making is not pleasant for us to contemplate, but such a course is preferable to an attempt by either party to impose its will upon the other. Recent events in the Punjab have demonstrated, if such demonstration was necessary, that it is not possible to coerce the non-Muslim minority in the Province, just as it is not possible or desirable to coerce the others. We have suggested a way out which we consider fair to all

parties.

6. In this connection I should like to remove a misapprehension. Sir Stafford Cripps, in his speech in the House of Commons, has said that "We could not accept the forcing of unwilling Provinces into a united Indian Government if they have not been represented in the making of the Constitution. To that principle which has the assent of the Congress, we understand, we adhere. . . ." Reference has been made here to "Provinces". There appears to be some confusion about the use of the word "Province" in this connection. The Word used in the British Government statement of December 6, 1946, was "areas" and when Congress assent is referred to it can only have reference to areas. Indeed Sir Stafford Cripps himself refers to areas also in the course of his speech.

7. This distinction is important as both in Bengal and Punjab there are very large non-Muslim minorities. In the event of Bengal or Punjab, as Provinces, deciding by a bare majority not to adhere to a Union, the question immediately arises about Western Bengal and Eastern Punjab which are predominantly non-Muslim areas and which have no intention whatever of separating themselves from the Indian Union.

8. It is in order to get over all these difficulties that we have suggested a partition of the Punjab and the same principle applies to Bangal. If the Muslim League accepts the British Cabinet's scheme of May 16th and cooperates in the Constituent Assembly, then this question does not arise in this form. But even so it is worth considering whether Bengal and Punjab should not both be divided into smaller Provinces. In the event of the Muslim League not accepting the Cabinet Delegation's scheme and not coming into the Constituent Assembly, the division of Bengal and Punjab becomes inevitable.

Yours sincerely
sd/- Jawaharlal Nehru.

His Excellency
Field Marshal Earl Wavell
Viceroy's House, New Delhi.

15

Pandit Nehru to Lord Wavell

I.O.R. M.B. 127

9th March 1947.

I have received a letter from Sardar Baldev Singh in regard to recent happening in the Punjab. We have all been greatly exercised over the Punjab situation as it has developed during the past six weeks. Sardar Baldev Singh being himself a Punjabi and intimately connected with provincial politics is naturally even more affected by these developments.

He has asked me to convey to you and through you to H.M.G. what the Sikhs feel in this matter. I have suggested to Sardar Baldev Singh to write to you himself.

2. The views that Sardar Baldev Singh has expressed on behalf of the Sikhs are generally shared by the Hindus of the Punjab. There are some Muslims also who are in agreement with them. Although unfortunately this has become a communal issue, it is not essentially so. The recent trouble started by the demand of the Muslim League to coerce and break up the Coalition Ministry in the Province. The first point to which Sardar Baldev Singh wishes to draw special attention and I wholly agree with him in this matter, is the way certain members of the Interim Government actively participated in the Punjab agitation and encouraged the attempts to upset the Coalition Government there. This is patently opposed not only to constitutional procedure, but seemed to us wholly lacking in propriety. It put us in every embarrassing position.

3. The present position is that any attempt to set up a Muslim League Ministry in the Punjab in the circumstances will not only give rise to grave apprehensions in the minds of the Sikhs. Hindus and certain others in the Punjab, but also lead to conflict. Indeed it has led to conflict on a severe scale already, and recent events have made the position worse. This apprehension and conflict are obviously due to the fact that the Muslim League openly want to make the whole of the Punjab a Pakistan area and wish to use a League Ministry to that end.

4. As I have written to you separately* a proper and fair solution to this difficulty appears to be the division of the Punjab into a predominantly Muslim area and a predominantly non-Muslim area. The Congress has recommended this and I understand that the Sikhs are also agreeable to it and indeed desire it.

5. I earnestly hope that no steps will be taken in the Punjab which may add to the apprehensions of the non-Muslim League elements in the Province, If any such thing is done it can only lead to trouble.

* See document No. 14

16

His Excellency's (Lord Wavell's) note of interview with
Pandit Jawaharlal Nehru on 10th March 1947

Transfer of Power Vol. IX-515

10 March 1947

1. We began by talking about the situation in the Punjab and I asked Nehru whether he had any suggestions to offer. - - - - The only suggestion he had to offer was that there

might as a temporary measure be two ministries under the Governor, one for the Eastern part of the Province and one for the Western. This would not be intended to prejudice the issue of partition, but might enable the administration of the Province to be carried on temporarily. I said that I would have the proposal examined, but I was rather doubtful of its being a practical one. - - - - -

2. We then had some general talk on political future, particularly with regard to the possible partition of the Punjab and Bengal. Nehru agreed that the Cabinet Mission plan was the best solution if it could be carried through; and that the only real alternative was partition of Punjab and Bengal.

17

A Note by Abell dated March 10, 1947

I.O.R. MB 120

Note below about the interview with Pandit Jawaharlal Nehru, I do not think it is worth bothering the Governor of the Punjab with the suggestion that there might immediately be two Ministries. Apart from the constitutional problems, the practical problems are considerable.

2. First there would presumably be one Legislature. Secondly, there would only be one budget, and one Finance Department. Thirdly, this would be no time to divide up the police force into two separate forces, with allegiance to two separate ministries. Fourthly, the work of the Central Departments like Irrigation, Building and Roads, and Agriculture could not be reorganised quickly on a regional basis, and it would not be possible to partition them and put them under separate ministries on such a basis. Finally, if there were to be two ministries, it would have to be decided by (HMG) whatever their areas of jurisdiction, and this again would raise the whole question which is in dispute. The League would object very strongly to the whole proposal which is based on the Congress claim that the non-Muslim areas of the Punjab (and of Bengal) must be kept from Muslim domination.

3. As Y.E. has already said to Pandit Nehru that the difficulties of such a solution are probably unsurmountable it seems unnecessary to say any more to him at the moment.

sd/- G.E.B. Abell,
10.3.47

(Wavell)
11.3.47

B.N. Rau to Lord Ismay

*I.O.R. MB 124*New Delhi
March, 25, 1947

Dear General Lord Ismay,

I understand from Pandit Jawaharlal Nehru that H.E. would like to see a copy of a note, which I recently prepared, outlining a plan for a possible solution of the present difficulties in the administration of the Punjab.

The precise constitution of the three regions mentioned in the plan and the precise manner in which the subject marked for the Council should be dealt with are details for discussion.

Yours sincerely,
B.N. Rao

General Lord Ismay, GCB., Ch., DSO

*Enclosure to Document no. 18**Reproduced as Vc P/47*

The plan embodied in the annexed rules is merely an extension to the provincial sphere of the Cabinet Mission's plan for the Centre. It will be remembered that the essence of the Cabinet Mission's plan consists in maintaining a single Centre for dealing with a few subjects of All-India importance and leaving other subjects to be dealt with on a regional basis. If we extend this idea to the provincial sphere, it follows that where a province consists of distinct regions (whether racial or linguistic or religious), most of the provincial subjects should be dealt with on a regional basis and a minimum number of essential subjects on a provincial or joint basis. Which subjects should be joint and which regional is a matter for negotiation.

The plan suggested in the annexed rules does not require any legislation. It can be implemented by making appropriate Rules of business under section 59 of the Act of 1935. Nor does the plan require any immediate splitting up of the Secretariat or of the administrative machinery. All that it requires is that when a case comes up relating to a regional subject, say of West Punjab, the Secretary should send it to a Minister of the West Punjab group. If he relates to a regional subject of East Punjab, he should send it to the corresponding Minister of the East Punjab group. If it relates to a joint subject, he should mark it for Council.

Draft Rules

In exercise of the powers conferred by section 59(3) of the Government of India Act, 1935, the Governor of the Punjab is hereby pleased to make the following rules:

1. For the more convenient transaction of the business of the Provincial Government, the Punjab shall be divided into the following regions:

- (1) West Punjab, comprising the Multan and Rawalpindi Divisions;
- (2) East Punjab, comprising the Ambala and Jullundur Divisions;
- (3) "Joint Territory", comprising the Lahore Division.

The population figures for these regions are:

Region	Muslim	Non-Muslim	Total
West Punjab	8.8	2.2) Sikh 0.7 Genl 1.5	11.0 (Million)
East Punjab	3.2	6.9) Sikh 1.5 Genl 5.4	10.1
Joint Territory	4.2	3.0 Sikh 1.4 Genl 5.4	7.2.
Grand Total	16.2	12.1) Sikh 3.6 Genl 8.5	29.3

The demarcation of the region suggested in the above rule can be modified in any desired direction by an amending rule. The suggested demarcation proceeds Division wise and may perhaps be least inconvenient from the point of view of administration, because it does not cut into existing Commissioner's Divisions. All the districts in West Punjab as defined in the rule are predominantly Muslim and all the districts in East-Punjab are predominantly non-Muslim. The districts in the Lahore Division are for the most part predominantly Muslim except Amritsar where the Muslim population is 6.5 lakhs and the non-Muslim 7.5 lakhs; in Gurdaspur district in the same Division, the Muslims and non-Muslims are each about 6 lakhs, the Muslims being in a slight majority.

If it is not considered essential to proceed Division wise, there are at least two alternative possible:

- (1) We may make the districts of Lahore, Amritsar and Gurdaspur Joint Territory, the other districts of Lahore Division being put into West Punjab. If this is done, the population figures for West Punjab would be 10.7 million Muslim and 3.3 million non-Muslims (1.2 Sikh and 2.1 General), and the figures for the joint territory would be 2.3 Muslim and 2.0 non-Muslim (Sikh 1.0 and General 1.0). Under this plan, the joint territory would contain 23 lakhs of Muslims and 20 lakhs of non-Muslims; the difference in the figures may be regarded as being so small as to justify the treatment of the territory as joint.

- (2) We may proceed districtwise, putting Amritsar into East Punjab and the other districts of the Lahore Division in West Punjab. Under this alternative, there would be no joint territory; but Lahore would go into West Punjab, to which the Sikhs may take strong exception.

Of the two alternatives, (1) seems to be the more easily defensible, because it includes in joint territory one district which is predominantly Muslim, another which is predominantly non-Muslim and a third in which the Muslim and the non-Muslim populations are almost evenly balanced.

2. The Council of Ministers shall be in two groups:

- (a) Ministers of West Punjab;
- (b) Ministers of East Punjab;

3. The business of the Provincial Government shall be divided into-

- (a) Business of West Punjab relating to "regional subjects";
- (b) business of East Punjab relating to "regional subjects";
- (c) "Joint business," which includes all business not falling exclusively within clause (a) or clause (b).

[Any business relating to "Joint Territory" will be joint business" under the above definition; so too any business relating to "joint subjects"—i.e. subjects other than "regional subjects."]

4. The "regional subjects" referred to in rule 3 are
_____ (here mention the regional subjects).

[Subjects like education, P.W., Agriculture would be "regional"; subjects like Finance and the Administration of Justice would be "joint." It should not be difficult to enumerate all the "regional subjects"; any readjustments that may be found to be necessary later can be made by an amending rule.]

5. In the exercise of his functions outside the discretionary sphere, the Governor shall be aided and advised-

- (a) in matters relating exclusively to "regional subjects" of West Punjab, by the Ministers of West Punjab;
- (b) in matters relating exclusively to "regional subjects" of East Punjab, by the Ministers of East Punjab;
- (c) in matters of "joint business", by the Council of Ministers as a whole.

Instruction to the Governor

The Governor shall use his best endeavours to secure a convention whereby in matters of legislation relating solely to West Punjab the members representing territorial constitu-

encies wholly within East Punjab shall take no part and *vice-versa*.

19

Sir E. Jenkins to Lord Mountbatten

I.O.R. MB 124

Secret

No. 660/P
26th March 1947

Dear Lord Mountbatten

Your excellency probably knows that the Punjab Disturbed Areas act, 1947, and the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, have given Authority to Magistrates and Police and to officers of the Armed Force respectively to use extreme force, with or without warning, against persons who in a disturbed area disobey orders prohibiting gatherings of five or more persons or the carrying of weapons or articles capable of being used as weapons.

2. When a district is seriously disturbed, the District Magistrate ordinarily issues prohibitory orders of the kind mentioned above.

Under the ordinary law "unlawful assemblies" may be dispersed by a Magistrate, by an officer in charge of a Police Station, and in certain circumstances by officers of the Armed Forces. Sections 127-132 in Chapter IX of the Code of Criminal Procedure, 1898, are in point. It is necessary for the authority dispersing an unmanly assembly to give due warning and, if warning is ineffective, to use the minimum force required to disperse it, and to arrest and confine any persons who have to be arrested.

Similarly under the ordinary law a person disobeying an order prohibiting the carrying of weapons, etc. would have to be disarmed and arrested.

3. In the Rawalpindi Division and the Multan District, which have been seriously disturbed during the past three weeks, it was clear that the ordinary law would not suffice. There was, especially in the Rawalpindi Divisions, a concerted attempt by the Muslim villagers to exterminate the non-Muslims or to force them to leave the area by the destruction of their property and by brutal treatment. The number of villagers simultaneously affected was very large; orders against gatherings of five or more persons and against the carrying of weapons were disregarded; and crowds whose intentions were undoubtedly criminal melted away when Police or troops appeared only to reform and attack their objectives as soon as the patrols had passed on. When disturbances are widespread and as serious as these have been it is essential that Magistrates, Police and troops should have power to deal summarily with persons who disregard lawful orders, even though this may involve the use of more than what appears at first sight to be "the minimum force." On any other view it is impossible to regain or maintain control, and the number of Police and troops required

for effective action would be far greater than the number likely to be at our disposal.

4. I visited Rawalpindi yesterday and presided at a conference attended by the principal civil officials, the commander 7th Indian Division, who is in charge of the Military side of the disturbances, and a representative of Northern Command. The representative of Northern Command informed me that instructions had been received from G.H.Q. to the effect that the new Ordinance did not abrogate the rule of "minimum force." He added that General Messervy was taking this interpretation up with G.H.Q. and hoped that all that was meant was that officers of the Armed Forces should not use extreme force unnecessarily.

5. Nobody wants to order the indiscriminate shooting of persons who can be otherwise dealt with; but I am quite sure that the new powers are needed and must be used as long as there is widespread defiance of authority coupled with a determination to attack and kill Hindus and Sikhs. If it is clear to persons disobeying prohibitory orders that they run a risk of being shot and if some of them are in fact shot, we are likely in the long run to save many lives and much property.

6. If His Excellency the Commander-in-Chief discusses this matter with Your Excellency, I hope that you will bear my views in mind. General Messervy will, in think, corroborate my views; he knows how difficult it was during the first few days of the disturbances to regain, control and to prevent the trouble appearing westwards and southwards.

Yours sincerely,
Sd/- E.M. Jenkins

His Excellency Rear-Admiral the Viscount Mountbatten of Burma, GMSI, GMIE, GCV, KCB, DSO.
Viceroy and Governor-General of India.

20

S.E. Abott to G.E.B. Abell

I.O.R.M. MB 124

Secret DO. No. GS. 179

Government House
Lahore
31st March '47

My Dear Abell,

Kindly refer to your secret D.O. letter No. 592/90 dated the 28th March 1947, with which you forwarded a copy of a scheme for regional administration prepared by Sir B.N.

Rao. I enclose herewith two copies of a note prepared by His Excellency the Governor giving his comments on the scheme.

Yours Sincerely,
Sd/- S.E. Abott.

G.E.B. Abewll, Esqr., CIE, OBE.

Enclosure to Document No. 20

Comment as Sir B.N. Rao's Plan for the Regional Administration of the Punjab.

1. There is nothing ingenious or original about this plan. "Regionalism" in some form is always a theoretical possibility in a Province with strongly marked regional characteristics. The difficulty is to translate theory into practice.

2. The plan must be examined from three aspects:

- A. Its political acceptability.
- B. Its administrative working.
- C. The timings of its introduction.

I deal with these three aspects in order, and end with a statement of my own conclusion.

3. A. The political acceptability of the plan

- (1) The Muslims are still intent upon Pakistan, which they are unable to explain or define. But it seems clear that they will not agree to any partition of the Punjab beyond what would be involved in the surrender of the non-Punjabi speaking districts of the Ambala Division. On present indications they would regard the plan as a stage on the road to partition and would reject it.
- (2) The Sikhs want a State of their own. The dimensions of this Sikh State have varied considerably in the imagination of Sikh politicians. The latest idea seems to be that it should include the Ambala and Jullundur Divisions, the Gurdaspur district, and part of the Amritsar district; with ultimately, Patiala, Nabha, Jind, Faridkot, Kapurthala, Dujain, Kalsia and Pataudi. This territory would not really be a Sikh State at all; it would have non-Muslim majority in which the Sikhs would be important. The Sikhs might regard the plan as a stage in the achievement of their general design, and might accept it. But they are incalculable people, and this is not certain.
- (3) The Hindus, like the Muslims, are tied to a High Command. They would accept anything (a) sanctioned by Congress and (b) likely to annoy the Muslims. Whether they really want a permanent alliance with the Sikhs is doubtful. The plan would certainly be opposed by Hindus living in the Rawalpindi and Multan Divisions (these Hindus are already protesting against partition) and would probably be opposed by

the Jats of the Ambala Division who want a separate Jat State made up of their Division and the Western United Provinces.

- (4) The plan is therefore likely to be rejected by the Muslims; accepted (perhaps subject to substantial modifications) by the Sikhs; and officially accepted by the Punjab Congress on behalf of the Hindus with many and vocal dissentients.
- (5) The plan could not be worked without at least the acquiescence of the Muslim League, the Congress and the Sikhs. Even if acquiescence were secured in its principles, it is almost certain that there would be violent disagreement about the composition of the Ministry.

4. B. The administrative working of the plan

- (1) It would be impossible to divide the Punjab into two regions, Eastern and Western, because the Lahore Division will be the final *casus belli* and must be kept wholly on in part out of the two main regions if the plan is to be accepted at all. If the plan is ever presented, I would start with the Regions defined as in Sir B.N. Rao's draft rule I. I would, if necessary, transfer the Amritsar district to the Eastern Region, and keep only the remaining five districts of the Lahore Division in the Central Region.
- (2) The Lahore Division, as a whole or less the Amritsar district, could certainly not be treated as "Joint Territory" excluded from the Regional arrangements. It would have to have its own Ministers, and the same degree of autonomy as the other Regions.
- (3) Administration under the plan would be intolerably cumbersome and complicated. The following measures would be unavoidable:
 - (a) The division of the budget into four parts, three for the three regions, and the fourth for joint subjects.
 - (b) This division would not be a mere formality, since the richer regions would unquestionably expect the revenue derived from them to be placed at their disposal (I have not gone into this problem, but it is likely to be formidable).
 - (c) There would be three Ministers for each regional subject. They would probably expect to be served by separate departments; but they would find in practice that in a subject like Education regional autonomy can be applied only in a very limited sphere. The big policy questions in Education are—(i) the improvement of University education (there is only one University in the Punjab); (ii) the length of the primary stage and compulsion; and (iii) the pay of teachers. These questions are closely linked with finance (necessarily could get out of step with the others in dealing with them. Education is one example, and it would be found in practice that the policy aspects of almost all the Regional subjects are in fact joint.
 - (d) Each Region would expect to control its own services—or at least to have the right to veto individual postings.
 - (e) In present conditions the three new minority problems would be acutely difficult.
 - (d) Administration under the Coalition Ministry was incredibly slow. The Premier's task under the plan would be virtually impossible. The parties, if they accepted or acquiesced in the plan, would do so from different motives; and the Premier would be attempting to control three sets of Ministers fighting on a territorial basis over communal rights.

5. C. The timing of the introduction of the plan

- (1) The communal feeling is still so bad that it would be idle to propound the plan at present.
- (2) It could never be propounded except as a compromise between Union and Partition when the parties are in a mood to negotiate.
- (3) Whatever the mood of the parties, the Muslims and Hindus are not in a position to negotiate at present, since their respective High Commands regard the Punjab with its 30 million inhabitants as something to be forced into a central plan of which we have no knowledge.

6. Conclusions

- (1) The plan is in my judgment not universally acceptable to the politicians; it is administratively bad; and it could only be introduced by consent as a compromise between the extremes of Union and Partition.
(b) the extreme communal tension caused ultimately by (a).
- (4) If the Muslim League and Congress High Commands could recognise that the Punjab cannot be forced into any solution and would permit their Punjabi followers to negotiate as free men, there would be a hope (a very remote one I commit) of a reversion to the Union idea. Amicably cemented Punjab would fit into any scheme; a discontented Punjab would be a running sore.
- (5) Failing Union, the only long-term solution is partition. On present showing partition could be imposed only by force; whether His Majesty's Government would during the next fifteen months use the degree of force required in a matter of which I have no knowledge.
- (6) There can be no satisfactory solution, short-term or long-term, except by consent or acquiescence. the plan cannot be forced upon the Punjab, since it depends entirely upon personal cooperation between representatives of the contending communities, it might be of use as a bridge or compromise if and when the communities are prepared to negotiate. This is what I told Pandit Jawaharlal Nehru when he discussed it with me, and my opinion is unchanged.

21

Note of an Interview between the Governor of the Punjab and Lord Ismay on 1st April

Viceroy's Conference Papers Sixteen, I.O.R. MB—124

Top Secret

3rd April 1947

1. I explained the position as regards compensation. The Governor was obviously relieved and suggested that the next step was to find out who wanted to go and could be

spared, and then to plan an orderly, staggered evacuation. I told him of the special arrangements that were being made for this under J.P.S.V.

2. At present there is no anti-British feelings, but this might be aroused at any moment by the idea which both sides entertain that we are the obstacle to their getting at each other.

3. The Governor has no hope of getting out of Section 93 certainly not this month and probably not next. Tempers are running far too high at the moment and we must wait and see.

4. A general election would solve nothing. The League would probably get a majority and would then proceed to form a Muslim Ministry without Sikh or Hindu representation. This would properly touch off the mine.

5. Only if we could manage to get a union government would there be any hope of a peaceful Punjab and thus of a peaceful India. If the respective High Commands would stand clear, 'Call off the whips,' let the Punjabis settle it between themselves, and agree to abide by their decision, we might bring this off when tempers have cooled down. A union government could be fitted into whatever scheme is decided upon for all India.

H.E. might put this to Nehru and Jinnah in the near future.

6. The Sikhs are brewing up trouble. Their object is the mastery of their old kingdom, the Punjab. They may postpone action until we have gone, but, Gyani Kartar Singh is a hothead, and a spark might be touched off at any time.

The Governor recommends that H.E. should tell Nehru and Jinnah who will not like it) that he proposes to call the Sikhs into consultations. The next step would be for him to see Baldev Singh and ask him to get hold of Tara Singh and Gyani Kartar Singh.

A note by the Governor on Sikh organisations is attached as Appendix 'A'.

7. *Partition* could be imposed by force. It would be a dirty job requiring a lot of troops. When it had been done, the two Governments would govern by sheer force. Partition would spell economic ruin for the Punjab. The Sutlej scheme, for example, would be beyond their means.

8. Sir B.N. Rao's scheme of national partition would not work. The Muslims would not have it. The Sikhs might take it as a stepping stone, and the Hindus would probably accept it on order from their High Command.

9. Thus, falling union, there is no alternative to partition. - - - - -

Sd/- Ismay

3rd April, 1947.

Appendix 'A'

Top Secret

Note by the Governor of the Punjab of Sikh Organisations

The main organisations of the Sikhs are the Shiromani Gurdwara Parbandhak Committee and the Shiromani Akali Dal.

In 1920 there was a strong "revivalist" movement among the Sikhs, many of whom resented the management of their Gurdwaras by Udasi Sadhus, who were not Sikhs, and the strong influence of Government in the affairs of the Darbar Sahib at Amritsar.

In November 1920 a body known as the Shiromani Gurdwara Parbandhak Committee was established at Amritsar. This body was hostile to Government, and its avowed object was to take control of all Sikh Gurdwaras, by force if necessary.

Sikh *Jathas* ("bands" or "companies") had been formed independently in many districts, and in order to control them the Sikhs established a second body known as the Shiromani Akali Dal.

Under the Sikh Gurdwara Act, 1925, the right of the Sikhs to control their own Gurdwaras was recognised, subject to various provisions for the grant of compensation to persons who had been managing them. At the request of the Sikhs the chief statutory body under this Act was known as the Shiromani Gurdwara Parbandhak Committee. The Act is a complicated measure; for the present purpose it is sufficient to say that the Shiromani Gurdwara Parbandhak Committee, which is an elected body, is in charge of the Darbar Sahib at Amritsar and of certain other important Gurdwaras; and that Gurdwaras not managed by the S.G.P.C. are managed by Committees of their own, which are also elected on a democratic basis.

The strength of the S.G.P.C. and of the other Committees is laid down in the Act. Since the Committees collectively control substantial funds, the elections to them are politically important. Within the Sikh community the party which wins the Gurdwara elections is likely also to win most of the Sikh seats in any election to the Legislative Assembly.

It must be clearly understood that the S.G.P.C. and the other committees constituted under the Act are statutory bodies with defined powers and functions. From this point of view they are perfectly respectable, though they could be used for militant and even for revolutionary purposes. The existence of a network of elected committees based on the Sikh Gurdwaras throughout the Punjab gives the Sikhs a communal cohesion which the other communities lack.

The Shiromani Akali Dal, which was originally started as a "Military" wing of the Shiromani Gurdwara Parbandhak Committee, has in recent years been more like an ordinary party machine. The S.A. Dal is controlled by a General Committee nominally consisting of one representative for every hundred members of the Akali Party. The actual work is done by an executive body consisting of a President and the usual office-holders and about 15 others. The strength of the S.A. Dal has been estimated fairly recently at about 80,000. No very accurate figure can be given, as it is notoriously difficult to estimate the strength of a political party.

The S.A. Dal is nominally organised in *Jathas* for districts, *tehsils*, *thanas*, and *zails*. In recent years the *Jathas* have not been particularly active, and, as stated above, the S.A. Dal has resembled a party organisation rather than a private army. With the assistance of the S.G.P.C. and through its own organisation of *Jathedars* it could very quickly place itself more on "war footing."

2. The Sikhs have been extremely uneasy since it became clear that the British intended to transfer power to Indian hands. They threatened a militant agitation during the summer of 1946, on the ground that they had been unfairly treated by the Cabinet Mission and that they were entitled in Section B of the Constituent Assembly to a right of communal veto. Ultimately, they had their representatives elected, and they were placated by the selection of Sardar Baldev Singh for the appointment of Defence Member and by his visit to London with the other party leaders. Some of them made tentative approaches to the Muslim League during 1946, but these approaches came to nothing. All Sikhs were deeply disturbed by the Muslim League agitation of January-February 1947, and Master Tara Singh took advantage of the Prime Minister's statement of 20th February to arouse Sikh feeling. The compromise with the Muslim League and the resignation of the Coalition Ministry increased the anger and apprehension of the Sikhs, and inflammatory speeches and statements by Master Tara Singh contributed to the outbreak of the communal disturbances. Unfortunately the Muslims, especially in the Rawalpindi Division, seem to have made a dead set at the Sikhs, and there is no doubt that the Sikh leaders are preparing for retaliation. It is known that they have been in touch with the Rulers of the Sikh States, and a few days ago Giani Kartar Singh addressed a meeting of 300 *Jathedars* and instructed them to make preparations for the defence of the community. His intention is to raise active *Jathas* primarily for the defence of Gurdwaras and of the Sikh minority in Muslim majority districts. Giani Kartar Singh wishes to establish a Sikh State, the dimensions of which are not entirely clear, but this is relatively a long-term project. Intelligence reports suggest that the Sikhs will wait until the British leave India before making any big move. But serious disturbances in the central or eastern Punjab, or further attacks by Muslims on Sikhs, might force their hands. On the whole it is improbable that they want immediate trouble; but they would not hesitate to fight if provoked further. The establishment of a purely Muslim Ministry would at present cause an immediate conflict.

3. Before mentioning the main Sikh personalities in the Punjab, it is necessary to say something of Sikh party alignments.

The most important party is the Akali Party. This is divided into two wings. The more powerful wing is headed by Master Tara Singh (probably the Sikh leader with the greatest personal following) and Giani Kartar Singh, who is a typical party "boss." Tara Singh is a non-agriculturist from the Rawalpindi district and was once Headmaster of a High School. Kartar Singh is Jat of Lyallpur. Until the recent disturbances Kartar Singh had been inclined to favour an alliance between the Sikhs and the Muslims.

The smaller wing of the Akali Party is headed by Udham Singh Nagoke and Ishar Singh Majhail, both agriculturists of the Amritsar District. Udham Singh Nagoke is anti-Muslim and anti-British. He would probably favour the establishment of a Sikh State, but he is hostile to Kartar Singh.

Outside the Akali Party there is a group of "nationalist" Sikhs who belong to, or sympathise with, the Congress. The most important men in this group are Partap Singh Kairon, an agriculturist of Amritsar, who is a member of the All-India Working Committee of the Congress, and Surjit Singh Majithia, who during the war held a Commission in the R.I.A.F. Surjit Singh is a son of the late Sir Sundar Singh Majithia and probably joined the Congress because the family has important interests in the Gorakhpur district of the U.P.

Finally there is a fairly strong communist element in the community. The communists are disliked both by the Akalis and by the Nationalist Sikhs, and did badly at the Assembly elections, at which their candidates were defeated by quite a small margin.

At the recent elections to the Gurdwara Committees and the party elections to the Shiromani Akali Dal, Giani Kartar Singh and his followers secured an absolute majority. Giani Kartar Singh's group in the Akali Party is therefore for the time being in control of the Sikh community. Attempts will be made to pull him down, but he is a clever party manager and is likely to maintain himself for some time.

The Sikhs are peculiar, in that there is a strong Jat versus non-Jat feeling among them, and also because those of them who take office are seldom drawn from among the active party managers. Thus Sardar Ujjal Singh, who is non-agriculturist, has never been put forward for office in spite of his ability and Sardar Baldev Singh and Sardar Swaran Singh, though they have influence within the community, have never been in the front rank in the affairs of the Shiromani Gurdwara Parbandhak Committee and the Shiromani Akali Dal.

In any negotiations with the Sikh community the persons to get hold of are Master Tara Singh, Giani Kartar Singh and Sardar Baldev Singh—the last named because of his wealth and standing as a Member of the Governor-General's council. It is seldom possible to get any clear information or decisions out of the Sikhs—up to a point the Sikh leaders are clever organisers, but they are weak on the bigger issues and their outlook is intensely narrow.

22

Representation from Punjab MLA's

I.O.R. MB 124

17 York Road, New Delhi

8 April 1947

Dear Lord Mountbatten,

The enclosed letter was handed to me some days ago with the request that I should forward it to you. I am sorry that I overlooked it.

2. A similar letter was sent to me by the Bengal members of the Central Legislature.

I understand that it was sent to you directly also.

Yours sincerely
Sd/- Jawaharlal Nehru

Encl:
His Excellency
Viscount Mountbatten of Burma,
Viceroy's House
New Delhi.

Enclosure

To

The Honourable Pandit Jawahar Lal Nehru,
Vice-president, Interim Government,
New Delhi.

The 2nd April, 1947

Sir,

We, the undersigned Member of the Central Legislature from the Panjab, beg to submit the following for favour of forwarding the same with your endorsement to H.E. the Viceroy and to H.M.G. for their urgent consideration and immediate action therein.

Unfortunately, the relations between the Muslims and non-Muslims in the Panjab were already much strained due to the agitation carried on by the Muslim League for Pakistan, but the recent tragic happenings in North-Western Punjab have very rudely shaken the confidence of the Hindus and the Sikh minorities in the belief that there will be any fair deal for them at the hands of the Muslims in future.

The Muslims and non-Muslims are almost equally balanced and no Government can carry on without the support of the three communities. Fortunately the population of the Province is so divided that there are distinct and contiguous areas where Muslims and Non-Muslims predominate. We have given our anxious and deep thought to that problem after considering all its pros and cons. We have come to the conclusion that the only way out of the present deadlock is to partition the Panjab into two Provinces. That and that alone, in our views, can ease the tension in the Province which may increase at any moment. We further venture to add that it is no longer a long term constitutional issue, but an urgent and immediate administrative problem which should have first priority. Effective steps may, therefore, be taken forthwith to constitute two Provinces out of the present Punjab by passing an order-in-Council or by any other way which may be found suitable. We are fully convinced that Partition is the only solution of this vexed problem.

We are Sir,
Your most obedient servants.

- (1) Pandit Thakur Das Bhargava M.L.A.
- (2) Raizada Hans Raj, M.L.A.
- (3) Diwan Chaman Lall M.L.A.
- (4) Sardar Mangal Singh M.L.A.
- (5) Sardar Sampuran Singh M.L.A.
- (6) Sardar Surjit Singh Majithia M.L.A.
- (7) S.B. Capt. Harindra Singh M.L.A.
- (8) S.B. Sir Sobha Singh M.C.S.
- (9) Ch. Sri Chand M.L.A.
- (10) Sir Buta Singh M.C.S.
- (11) Ft. Lt. Rup Chand M.C.S.

23

Viceroy's Personal Report No. 2 Dated 9th April, 1947

LPO 16/23:L/Pol433(i)

4. ----- The only alternative to a Union Government is partition of the Punjab, this is recommended by Congress but could in Jenkins' view probably only be imposed by force, which would require a lot of troops, and spell economic ruin for the province. I referred in my last report to the Sikhs' preparation for serious civil war, and I am anxious to avoid any chance of hot headed action on their part. On Jenkins' recommendation I have decided to call into consultation, and have asked Baldev Singh to invite Tara Singh and Gyani Kartar Singh to come and see me in Delhi.

17. ----- I then pointed out that his remarks applied also to the partition of the Punjab and Bengal, and that by sheer logic if I accepted his arguments in the case of India as a whole, I had also to apply them in the case of these two Provinces.

18. He (M.A. Jinnah) was most distressed, and said that it would greatly weaken his Pakistan, and appealed to me not to destroy the unity of Bengal and the Punjab, which had national characteristics in common: common history, common ways of life; and where the Hindus have stronger feelings as Bengalis or Punjabis than they have as members of the Congress.

19. I said I was impressed by his arguments; and was therefore beginning to revise my ideas about any partition anywhere in India; since any argument that he (M.A. Jinnah) produced for not agreeing to partition within the Punjab and Bengal applied with even greater force to India as a whole. For if he was to insist on the partition of India, he would be breaking up a great sub-continent of numerous nations, which could live together in peace and harmony; but who, divided, would not even rank as a second-class Power. The more so since he evidently intended to destroy even the mere vestiges that remained of the Indian Army, after the passing of this morning's budget proposals for the armed forces and

the likelihood of the withdrawal of all British officers by June 1948.

20. I am afraid I drove the old gentleman quite mad, because whichever way his argument went I always pursued to a stage beyond which he did not wish to go.

24

G.E.B. Abell to Pandit Jawahar Lal Nehru

I.O.R. M.B. 124

No. 592/9028
9th April, 1947

My dear Pandit Nehru,

H.E. asks me to acknowledge with many thanks your letter of yesterday, enclosing a representation from M.L.As of the Punjab. H.E. has received a similar representation from certain M.L.As of Bengal.

Yours sincerely,
Sd/- G.E.B. Abell

The Hon'ble Pandit J. Nehru.

25

Demand for Partition of Punjab

I.O.R. MB 120

Dy. No. 1497-GG
D/ 23.4.47

Copy of the Resolution No. 11 adopted by the Working Committee of the Shiromani Akali Dal, Amritsar in its meeting held on 16.4.1947:-

1. Shiromani Akali Dal notes with satisfaction that the Nationalist Hindus and Sikhs of the Punjab have fully agreed to the partition of the Punjab. Recent barbarities of the Pakistani Muslims on the Hindus and Sikhs of the Punjab have left no other solution of the communal tangle except the partition of the Punjab.

Shiromani Akali Dal demands that before the transfer of powers to the Indian hands in June, 1948 the Punjab should be divided into two provinces and for the redistribution of

the Provincial boundaries a boundary commission should be set up. The terms of reference whereof should be to demarcate the Provincial boundaries keeping in view:

- (a) Population,
- (b) Landed property,
- (c) Land Revenue, and
- (d) Historical places and traditions of the various communities.

The Shiromani Akali Dal further demands that facilities be provided for exchange of population and property and that special arrangements be made for the protection, honour integrity and sanctity of the historically religious places.

The Shiromani Akali Dal also appeals to all the Panthic organisations and workers to unite and solidly stand behind this demand.

Dated, Amritsar the 9th April, 1947
No. 71/701

Copy forwarded to His Excellency the Viceroy of India, New Delhi for favour of His Excellency the Viceroy of India, necessary action in the matter.

Shadi Singh
(Sd/-Secretary)
Shiromani Akali Dal

26

Viceroy's Personal Report No 3
Dated 17th April, 1947.

IOR/LIPO/6/23:26/PO/433

Top Secret

11. ----- I have had six meetings during the past week with Jinnah averaging between two to three hours each, and the conversations continued on the lines which I reported last week. He has made it abundantly clear that the Muslim League will not in any circumstances reconsider the Cabinet Mission plan, and he is intent on having Pakistan.

12. I told him that I had been so impressed by his arguments that I was prepared to accept them. He was delighted, but only until I pointed out that his arguments had also convinced me that the partition of India itself would be criminal. Then we started going round the Mulberry bush again.

16. I regard Jinnah as a psychopathic case; in fact until I had met him I would not have

thought it possible that a man with such a complete lack of administrative knowledge or sense of responsibility could achieve or hold down so powerful a position.

17. Finally I pointed out that the most he could hope for from me was to allow provinces, and where applicable halves of Provinces, to decide whether they wished to join Pakistan. I pointed out that at this rate it looked though he would get Sind and Western Punjab for certain; the N.W.F.P. would be a doubtful starter (and if he got it would cost him 3.5 crores a year to keep the tribes quiet.) In the east I pointed out that he would get the most useless part of Bengal without Calcutta, and if he wished it he could have Sylhet back from Assam.

22. It seems quite clear that if any attempt is made to impose the Cabinet Mission plan on the Muslim League, they will resort to arms to resist it.

27

Extract from note of an interview dated 18.4.1947 between H.E. the Viceroy and Master Tara Singh, Giani Kartar Singh and Sardar Baldev Singh.

I.O.R. MB-120

Top Secret

Finally I asked them if they would accept the Cabinet Mission plan if these safeguards were put in. They said that they would only give up their insistence on partition if I could ensure that they obtained adequate safeguards from being dominated by the Muslims. They suggested an allocation of 40 per cent of the seats to Muslims, 30 to the Sikhs and 30 to the Hindus. I told them I did not think anybody else would accept such an allocation, but that I agreed that the question of safeguards would want very careful investigation.

Finally they asked that, if I did decide on Pakistan and on a partition of the Punjab, I should publicly give them the choice of joining either Pakistan or Hindustan, so that they might have some bargaining power to gain the best terms. This I agreed was entirely fair.

They then handed me the attached paper entitled "Notes for the talk with H.E., 18.4.1947". I discussed their two suggestions:

- (a) That there should be an early announcement of the creation of two separate ministries for the Eastern and Western parts of the Punjab to carry on with the Interim period.
- (b) The question of police recruitment. As regards (b) I repeated that I would write to the Governor.

With regard to (a) Sardar Baldev Singh stated that Mr. Jinnah had informed him that he accepted the principle of the transfer of populations in the Punjab (I invited him to put this point to me in writing); and he told me that 20,000 Sikhs had already fled from various predominantly Muslim areas in which riots had taken place, and were now taking refuge in Patiala.

G.E.B Abell to J.D. Tyson

I.O.R. MB 124

Top Secret

592/92 35/C
18th April 1947.

My dear J.D. Tyson,

I enclose a copy of a note by the Governor of the Punjab about the steps that require to be taken if the Punjab is to be partitioned. Would you be good enough to let me have as soon as possible for the information of H.E. the Viceroy a note on similar lines by H.E. the Governor on the partition of Bengal.

Mr. J.D. Tyson CS-JCBEI.CS.
Secretary to the Governor of Bengal.

Yours sincerely,
G.E.B. Abell

*Enclosure**The Partition Problem*

35/A

Should the partition of the Punjab become unavoidable, the following steps should be taken to effect it:

- (1) It should be announced that the Punjab will be divided into two parts - one consisting of districts with a Muslim majority and the other consisting of districts with a non-Muslim majority. Adjustments may be made by agreement in respect of tahsils contiguous to the Muslim or non-Muslim portion and having Muslim or non-muslim majorities.
- (2) A Boundary Commission will be set up—
 - (a) to effect the adjustments permissible under (1) and
 - (b) to determine what portion, if any of the new non-Muslim Province should be released to form a separate Jat Province.

N.B. (b) Will only arise if it is clear in the discussions leading up to the announcement that there is to be a separate Jat Province.

- (3) The Boundary Commission should consist of two Muslims and two non-Muslim elected by Members of the Punjab Assembly with a neutral Chairman agreed upon

- by them.
- (4) When the Boundary Commission has taken its decisions the Punjab Assembly will be divided into two, or if necessary into three parts. The members sitting for territorial constituencies will be allotted to the Provinces to which their constituencies belong (that is to say to the Muslim Province, non-Muslim Province and the Jat Province, if any). Members for special constituencies will be allotted to the Province in which most of their constituents reside.
- (5) The Members for the Muslim and non-Muslim Provinces will be responsible for all measures necessary to give effect to the partition. They will negotiate between themselves and with whatever body may be representing the new Jat Province as a whole. The main matters to be decided will be:
- (i) distribution of finances, assets, and public debt;
 - (ii) distribution of the services;
 - (iii) future of the High Court;
 - (iv) relations between the Provinces in such matters as the use of the Central Canal Workshops, the Lyallpur Agricultural College, etc.
- (6) Having dealt with the matters discussed in (5) and other matters of the same kind, the members for each Province will have to set about framing the Provincial constitution. They will have to decide in the first instance what group, if any, to join. If a province joins a group, its constitution will presumably be made for it along with the constitutions of other Provinces in the Group. If it stands out, it will have to act independently.
- (7) It is most important that all proceedings relating to the partition and to the new constitutions should be carried out by non-officials. They will need expert official advice, which will have to be provided by a special staff located at the Centre.

2. It is most improbable that any partition of the Punjab will go through smoothly; the best we can do is to provide a machinery by which the Punjabis can decide matters for themselves.

16.4.47

29

S. Ujjal Singh to Lord Ismay

I.O.R. MB. 140

Seal Broadland
Archives
1-Queensway,
New Delhi,
22nd April 1947.

Dear Lord Ismay,

When I saw you and Mr. Mievell on the 19th instant, along with Master Tara singh and Giani Kartar Singh you asked us to send you definite suggestions which might make the proposals of May 16th 1946 acceptable to the Sikhs. I am, sending a short note which if you so desire, I shall come and discuss further.

With kind regards,

Yours sincerely,
Sd/- Ujjal Singh

Lord Isamy,
Viceroy's House
New Delhi.

The Cabinet proposals of May 16th 1946 while recognising the Sikhs as one of the three main communities in India (paragraph 18) failed to provide any safeguards as were provided for the two major communities (vide paragraphs 15(2) and 19(vii). Besides, the weightage so far enjoyed by the Sikhs in Legislature was taken away for the purpose of representation to the Constituent Assembly. The position of the Sikhs was made still worse by throwing them in group without their consent and without making provision for the partition of the Punjab into two separate autonomous units.

The Sikhs therefore considered the proposals of may 16th injurious to their interests and decided to boycott the Constituent Assembly vide their Resolution of June 9th, 1946. Later on, however, the Secretary of State, Lord Pethick Lawrence and Sir Stafford Cripps in their speeches in the Parliament on the 18th of July while appealing to the Sikhs to reconsider their decision stated that they had represented to the two major parties who were both most receptive in the matter, that some special means of giving the Sikhs a strong position in the affairs of the Punjab or the North-western section should be devised.

The Congress Working Committee also appealed to the Sikhs vide Resolution of August 9th, 1946 assuring them that the Congress will give all possible support in removing their legitimate grievances and in securing adequate safeguards for the protection of their just interests in the Punjab.

In response to these appeals the Sikhs lifted the boycott vide their resolution of August 14, 1946 and decided to give the Constituent Assembly method of trial.

To meet the Sikh point of view the following provisions should be made in the Scheme of May 16th, 1946:

1. "Any question relating to a matter affecting the Sikhs regarding the clauses for the protection of minorities including representation in the legislature and the executive, and fundamental rights, in the affairs of the Punjab and North-western Group shall be decided by a majority of the representatives of the Sikh community present and voting as well as a majority of all the members present and voting."
2. "Any question raising a major communal issue affecting the Sikh community in the Legislature of the Union, the Punjab and Group B if any, shall require for its decision a majority of the representatives of the Sikh community present and voting as well as a majority of all the members present and voting."
3. Provision should be made for the division of the Punjab into two sub-provinces, each

having a separate legislature and executive to deal with its own affairs; matters of common concern to be dealt with by the legislature of the United Punjab.

If May 16th Scheme is abandoned, the Sikhs along with the Hindus would demand a division of the Punjab into two independent autonomous units. In such a division, besides the population strength of the various communities, full account will have to be taken of the economic position and other vital interests of the respective communities to facilitate exchange of population and property.

Sd/- Ujjal Singh
22.4.47

Noting On this Note

SEAL
Broadland
Archives

P.S.V.
(Through Prin. Secretary)

The attached note is the outcome of a conversation which Sir Eric Mievile and I had with Master Tara Singh and Giani Kartar Singh last week.

2. I find it very difficult to understand what it is that the Sikhs want, but we may be able to work something into the next draft?

Ismay
22nd April 1947

Your note attached about the Sikhs. As the Cabinet Mission plan seems to be dead I need not comment on the amendments proposed of that Plan.

2. As regards the partition of the Punjab you will notice that the proposal includes the point made by Sardar Baldev Singh today, namely that in deciding on the boundary line account must be taken of property as well as population, which means that the Sikhs lay claim to certain districts in which they have not got a majority of the population but have got a large amount of land.

3. If you agree I will file this useful statement of the Sikhs case with our papers.

C.V.S. Yes, seen
Sd/- Ismay
22.4.47

Sd/- (G.E.B. Abell)
22nd April 1947

Sir Even Jenkins to Lord Mountbatten

I.O.R. MB 121

SECRET

SEAL
(Governor of Punjab)

No.665
Government House,
Lahore.
30th April 1947.

Dear Lord Mountbatten,

Your Excellency handed the enclosed papers to me at Rawalpindi and asked for my comments on the statement issued on 21st April by Sardar Swaran Singh and Lala Bhim Sen Sachar.

2. The first four paragraphs of the statement summarize various arguments against any reconciliation between Muslims and non-Muslim in the Punjab. There is nothing new in these arguments and as usual, the persons advancing them omit to mention that in many places, including the cities of Lahore, Multan and Rawalpindi, the immediate provocation on 3rd March and subsequent days was given by non-Muslims. In Lahore in particular a large meeting, at which inflammatory speeches were made was attended by Lala Bhim Sen Sachar himself.

3. The fifth and last paragraph of the statement contains, without special explanation the demand "that as an interim and transitional arrangement His Excellency the Governor-General should instal immediately two or three regional administrations with separate Ministers, under one Governor, for the two or three zones of the existing Province of the Punjab."

This is much the same idea as that put forward recently by Pandit Jawahar Lal Nehru and partly worked out by Sir B.N. Rau. The difficulty in accepting a regional system may be stated as follows:

If the intention is to work the system without an amendment of the Government of India Act, 1935, a high degree of agreement and co-operation between the communities would be necessary. Constitutionally the Punjab would remain as it is now; I would send for the party leaders and invite one of them (presumably Mamdot) to form a Ministry including so many representatives from the Rawalpindi and Multan Divisions, so many representatives from the Lahore Division and so many representatives from the Jullundur and Ambala Divisions; and I would then arrange that business should be so transacted that the three regions were, so far as possible, independent of one another except in certain agreed matters of common concern. Outwardly the Ministry would be an undivided body jointly responsible for the government of the Punjab but by convention it would work largely in three separate committees. There would have to be a corresponding convention

about the working of the Assembly. I feel that if a settlement involving difficult conventions of this kind could be made, there would be little difficulty in going a step further and installing an ordinary Coalition Ministry. In dealing with Sir B.N. Rau's paper, I pointed out some of the difficulties of a regional system, e.g. that in fact it would be virtually impossible for one region to take an independent line in dealing with Education and that the distribution of our financial resources over the three regions would be a most complicated business.

If on the other hand the intention is that there should be an amendment of the Government of India Act 1935 or that we should create a new province or new provinces, which would amount to much the same thing, then the demand is simply a demand for partition.

4. I do not think that the authors of the statement have thought out the implications of their demand. Pandit Jawahar Lal Nehru is very well aware of them and when he discussed the possibility of a regional system with me in March, we agreed that its main use might be to serve as a bridge between Section 93 and some entirely new system of Government. Thus if partition is finally decided upon the parties might agree to a Coalition Ministry organised by convention on regional lines.

Yours sincerely
Sd/- Evan Jenkins

His Excellency Rear-Admiral the Viscount Mountbatten of Burma,
PC, KG, GMSI, GMIE, GCVO, KCB, DSO
Viceroy of Governor-General of India.

31

Lord Ismay to Lord Mountbatten

I.O.R. MB. 121

SEAL
Broadland
Archives

H.E.

I had an hour and a half with Giani Kartar Singh, Harnam Singh and Sardar Ujjal Singh this afternoon. They were in a high state of excitement about the partition of the Punjab. They said that this should not be done merely on the basis of counting of heads. Landed property, and particularly ancient shrines, were factors which must be borne in mind.

I said that we had no intention of attempting any permanent demarcation of boundaries, and that all that we contemplated was a provisional arrangement to enable us to transfer authority by June 1948.

My visitors said that they realised this, but protested that the interim arrangements were of vital importance to them since they would greatly affect the findings of any boundary commission that might be set up. The main burden of their representations was the question of the Lahore Division, and particularly Lahore City. They admitted that the Muslims were in a majority, but that it was a matter of life and death for the Sikhs that the Division should not be handed over to them, even as an interim arrangement. They would far sooner all die fighting.

I took the opportunity at this point to tell them that H.E. was absolutely determined to use all the forces which were at his command to quell any disorders, and that they would be well advised to refrain from violence.

They then reverted to the topic of the Lahore Division, and I asked them what they would do. The only solution that they could think of was as follows. Rawalpindi and Multan Divisions to go to the Muslims; Ambala and Jullundur Divisions to go to non-Muslims; the Lahore Division to be under a joint council until such time as a boundary commission had been able to report on frontiers and transfer of populations.

I asked them in which asseembly constituent it was proposed that Lahore should be represented. To this they could provide no solution, beyond the suggestion that it would have to be a special case.

I think that the position of the Sikhs calls for renewed consideration, and I ask Your Excellency's authority to raise this point at the Staff Meeting tomorrow.

Ismay

30th April 1947.

Photo 94

PS V

Constitution House
NEW DELHI
1st May 1947.

122

Dear Lord Islay,

M ach 1 M 1/5

We have the honour to submit the accompanying memorandum on the question of the partition of the Punjab for your kind consideration. We trust that you will ^{also} very kindly place this memorandum before His Excellency the Viceroy and before His Majesty's Government for their kind consideration.

We are submitting this memorandum as representatives from the Punjab to the Constituent Assembly of India.

Harbhaj Ram
m.L.A.

Pantap Singh
m.L.A.

Singh Mal

Singh m.L.A.

Dharam Lal

Yours sincerely,

Chandrasekhar
m.L.A.

Hemachand Singh

Devi Singh *Ajial Singh*

Arjun Singh

Kartar Singh

Members of the Constituent Assembly.

Members Constituent Assembly for Punjab To Lord Ismay

I.O.R.MB 121

Constitution House
New Delhi
1st May 1947.

Dear Lord Ismay,

We have the honour to submit the accompanying memorandum on the question of the partition of the Punjab for your kind consideration. We trust that you will very kindly place this memorandum before His Excellency the Viceroy and before His Majesty's Government for their kind consideration.

We are submitting this memorandum as representatives from the Punjab to the Constituent Assembly of India.

Yours sincerely,

Sd/- Harbhaj Ram MLA
Sd/- Partap Singh M.L.A.
Sd/- Suraj Mai M.L.A.
Sd/- Siri Ram
Sd/- D. Chaman Lal

Sd/- Harnam Singh
Sd/- Tek Chand
Sd/- Ujjal Singh
Sd/- Prithvi Singh Azad
Sd/- Kartar Singh

Members of Constituent Assembly

Memorandum by the Punjab Sikh & Hindu Members of the Constituent Assembly

The terrible happenings in the Punjab have revealed that an organised and well-planned 'Jehad' was preached and carried out against the unoffending non-Muslim minorities, particularly in the Rawalpindi and Multan Divisions of the province. The campaign was inspired by the Muslim League organisation and resulted in the most brutal atrocities that have ever been committed on innocent men, women and children. It has now become impossible for the non-Muslim minorities in the Punjab to accept any Government in the province dominated by Muslim communalists. Impetus was given to those, who indulged in these atrocities, by the 'Direct Action Resolution' passed by the Muslim League under the presidency of Mr. M.A. Jinnah, when he made a public declaration that 'the days of constitutionalism are over' and that "might only can save our rights". Soon after the "Direct Action Resolution" was passed, Mr. Liaquat Ali Khan and Mr. Ghazanfar Ali Khan, Members of the Interim Government and Mr. Feroz Khan Noon an ex-Member of the Executive Council and formerly High Commissioner of India openly preached the creed of violence. All this resulted in a regular holocaust of murder, loot, arson, abduction, rape and forcible conversion in which thousands of innocent lives of members of the minority

communities were lost and unheard-of atrocities were committed. Such a state of affairs cannot be described as riots or communal fracas. It was an entirely one-sided and systematic attack, in which innocent members of the Hindu and Sikh communities were caught unawares and being defenceless, were butchered or burnt alive in a manner unknown even in the darkest days of human history. Property worth crores of rupees was looted or wantonly destroyed. And, significantly enough, these happenings did not elicit even one word of condemnation from the leaders of the Muslim League.

The terrible happenings of March 1947 have rendered homeless a large number of Hindu and Sikh inhabitants of the demarcated part of the province, with the result that they have to find their homes in areas where the Hindus and the Sikhs are strong enough to meet the Muslim menace. Thousands of them are migrating to Central and Eastern Punjab and have no desire to go back to their homes.

The non-Muslim minorities under the circumstances are of the view that the only solution of the Punjab problem is an immediate division of the Punjab. They feel that their honour, lives and property cannot be safeguarded unless the province is divided into two parts on the lines suggested below:-

The total area of the British Punjab (inclusive of what are at present "Partially exclusive areas" in Kangra District and Dera Ghazi Khan District, is 99089 square miles, vide page 2 Census Report of India of 1941 Vol. VI (Punjab). We suggest that the division of the Province should be made in such a way that each part comprises nearly one-half of this area and that the dividing line should be along the river Chenab where it enters British territory in Sialkot District. The part of the East and South of the proposed dividing line will comprise the Ambala, Jullundur, and Lahore Divisions with one of the colony districts of Lyallpur or Montgomery.

More than three-fourths of the urban immovable Punjab is owned by non-Muslims. This is clear from the incidence of taxation on urban immovable property in the province.

The total land revenue of the Punjab in 1931 when the Punjab Government collected the figures community wise for the use of the Simon Commission was Rs. 4,38,13,977. Out of this sum the non-Muslim paid Rs. 2,18,44,913. This is approximately 50 percent of the total land revenue of the province. These figures have not been revised subsequent to 1931 but it is a well known fact that the change in ownership since 1931 has been in favour of the non-Muslims. Thus taken as a whole the non-Muslims own considerably more than 50 per cent of the rural and urban property in the Province.

In view of the above facts the conclusion is inevitable that the demand of the non-Muslims of the Punjab to at least half the area of the Punjab is eminently just. The proposed non-Muslim province will comprise an area of about 40000 square miles which is one half of the total area of the province.

We have suggested the above basis for the partition of the Punjab for the following reasons:

- (a) The demarcation on the above basis satisfied the linguistic requirements. Punjabi is the language of the people East of the Chenab, whereas the language of the people in the proposed Muslim province is Lehndi-Multani. For a detailed discussion on this subject reference may be made to the "Linguistic Survey of India" by Sir George Grierson, KCIE, ICS, Vol. I, Part I, page 608.
- (b) In the event of partition, exchange of property and population will have to take place

as considered necessary by Mr. M.A. Jinnah also. That being so, the property basis of partition will be the most suitable. An examination of the agricultural life of the province will show that all the essential interests of the Sikhs are in the tract East of the Chenab. The Muslim in Gurdaspur district number 51 percent according to the last Census but out of the total annual land revenue of the district which is Rs. 17,77,562 the Muslims pay Rs. 6,16,93, only as against Rs. 11,61,369 paid by the non-Muslims. In Lahore district the Muslims though 60% of the population, pay Rs. 483,448 per annum as land revenue whereas the non-Muslims pay Rs. 9,36,007. In the matter of agricultural holdings, the position of non-Muslim is much stronger than that of Muslims in the Sheikhpura district and other parts of Lahore division.

- (c) The Cabinet Mission in the statement of May 16 examined this question of the partition of the Punjab with care and they came to the conclusion that "a radical partition of the Punjab would divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary and would not provide an acceptable solution for the communal problem." They apparently had in view the division of the province on the basis of districts having a bare Muslim or non-Muslim majority. The Muslims by reason of the recent disturbances have, however, made the partition of the Punjab an absolute necessity and in this partition care has to be taken that a major portion of the Sikhs and other minorities is provided a home in the non-Muslim part of the province. According to our suggestions, the population of the various communities in the non-Muslim Province will approximately be as under:

1.	Sikhs	33, 00, 000
2.	Indian Christians	3, 75, 000
3.	Schedule Caste & Adharmis	14, 50, 000
4.	Hindus	52, 00, 000

This will afford real protection to the various minorities and will also obviate the difficulties envisaged by the Cabinet Mission in para 7 of the Statement.

- (d) The property owning population is rooted in the soil of the province. The other population is floating. The census operations of the Punjab were always conducted during the winter months of the year. The Census Reports bring out that during those months, Powindahs, Baluchis, Pathans and Kashmiris in lakhs migrate from Baluchistan, Tribal area and Gilgit in the Punjab and they are included among the Muslim population of the Province. The basis suggested by us is the only proper basis because the population of the Punjab which is floating is more easily transferable.

The basis of partition suggested above is equally just to the Muslims. The density of population in the proposed non-Muslim province of the Punjab is 445 persons per square mile as against 235 persons per square mile in the proposed Muslim province of the Punjab. The projects for irrigation that have recently been launched in the proposed Muslim province will irrigate an area of more than 2 million acres of land which alone will absorb an additional population of at least one million persons, who will necessarily migrate from the Central Districts of the Punjab. Further, the proposed Muslim province is so thinly populated that it can very easily absorb several lakhs of the floating population of the Punjab

that at present inhabits the proposed non-Muslim part of the province.

The scheme of partition will be of necessity take into consideration the capital investments on the irrigation projects and the value of the unallotted crown lands in the Punjab. According to our scheme of partition the proposed non-Muslim province will get about 33 per cent while 67 per cent of the above will fall to the share of the proposed Muslim province.

We may further mention that in the division proposed by us, most of the mineral resources that exist in the Punjab will fall to the proposed Muslim province. The oilfields and the oil refineries of the Punjab are situated in Rawalpindi Division and so are the coal fields and salt mines. The raw material for heavy chemicals like gypsum and limestone are to be found on a large-scale in the Muslim zone and the only heavy chemical factories, manufacturing soda-ash and chlorine etc., and all the cement factories in British Punjab are situated in Jhelum and Attock districts.

Before concluding, we may refer to another mode for the partition of the Punjab suggested in some quarters. According to that suggestion the partition is to be on the basis of districts having a bare Muslim and non-Muslim majority as returned in the Census of 1941. That this will not be a just basis, is in the first place evident from the Census reports. The census figures have been challenged by non-Muslim time and again and their inaccuracy is admitted by the Census Commissioner of India and the various Census Superintendents of the Punjab as is apparent from the quotations given in the appendix. The non-Muslim maintain that the Muslim and non-Muslims are almost equal in numbers in the Punjab. They contend that the Muslim figures have been swollen by reason of the influx of temporary immigrants during winter months when the census enumerations took place. The division of the Punjab on population basis will, as envisaged by the Cabinet Mission in para 7 of the Report divide the Sikhs into two halves and would not afford an acceptable basis for the solution of the communal problem. The division district-wise on population basis would not give to the non-Muslims even that much area to which they are entitled strictly according to their proportion in the population, i.e. 43 per cent of the aggregate area of the province, which comes to 42,108 square miles. If population alone is to be the criterion then the non-Muslim province should consist of Ambala and Jullundur Divisions of the Punjab and the Lahore Division minus Gujranwala District. The handing over to the non-Muslim those districts only in which there is a decided non-Muslim majority would neither give them the area they are entitled to out of the total area of the Punjab nor afford them any scope for expansion, nor provide any practicable method for the exchange of property or population. Such a division would adversely affect the Sikhs whose population would be divided half and half in the two proposed provinces. Besides, the non-Muslim province so formed would be a deficit province and being thickly populated will offer no scope for development as all the colony areas will be included in the Muslim Province. Indeed the line of demarcation suggested by us in this memorandum, would be the only equitable line of division.

The proposals we have made may be summarised as follows:

- (a) The Punjab should be divided.
- (b) The Boundary Commission should be appointed.
- (c) Inter alia, the following should be the instructions given to the Boundary Commission:

- (i) The division of the Punjab should be on the property basis.
 - (ii) While drawing the demarcation line, the necessity of keeping the major part of the Sikh population in a homogeneous area should be kept in view.
 - (iii) The division should be such that one of the colony districts of Lyallpur or Montgomery is included in the non-Muslim province. The adoption of this principle will facilitate the exchange of property and population.
- (d) Pending final arrangements two Cabinets may be set up, for the administration of the Punjab, one for the Ambala Jullundur and Lahore Divisions and the other for Rawalpindi and Multan Divisions. If for any reasons the above suggestion cannot be put into force forthwith, we suggest that the Lahore Division may be administered during the interim period by a joint Cabinet consisting of equal number of Muslims and non-Muslims.
1. Sd/- Sardar Ujjal Singh MLA, Willington Mall, Lahore.
 2. Sd/- Sardar Harnam Singh Advocate, Lahore.
 3. Giani Karter Singh, MLA, Lyallpur
 4. Sd/- Sardar Partap Singh MLA, Amritsar.
 5. Sd/- Bakshi Sir Tek Chand, Retd. Judge, High Court Lahore.
 6. Sd/- Diwan Chaman Lal MLA (Central) Lahore.
 7. Sd/- Dr. Gopi Chand Bhargav, MLA, Lahore.
 8. Sd/- Choudhry Harbaj Lal MLA, Lyallpur.
 9. Sd/- Mr. Prithvi Singh Azad, MLA, Ambala.
 10. Sd/- Rai Bahadur Choudhry Suraj Mal, MLA, Hissar.
 11. Sd/- Pandit Siri Ram Sharma, MLA, Rohtak.

PHOTO 102

(d) Pending final arrangements, two Cabinets may be set up for the administration of the Punjab, one for the Ambala, Jullundur and Lahore divisions and the other for Rawalpindi and Multan Divisions. If for any reasons the above suggestion cannot be put into force forthwith, we suggest that the Lahore Division may be administered during the interim period by a joint Cabinet consisting of equal number of Muslims and non-Muslims.

1. Sardar Ujjal Singh, M.L.A.
Wellington Hall, Lahore.
2. Sardar Harnam Singh, Advocate,
Lahore.
3. Giani Kartar Singh, M.L.A.,
Lyallpur.
4. Sardar Partap Singh, M.L.A.,
Amritsar.
5. Bakshi Sir Tek Chand,
Retired Judge, High Court,
Lahore.
6. Dewan Chaman Lall, M.L.A. (Central)
Lahore.
7. Dr. Gopi Chand Bhargava, M.L.A.,
Lahore.
8. Choudhry Harbhaj Lal, M.L.A.,
Lyallpur.
9. Mr Prithvi Singh Azad, M.L.A.,
Ambala.
10. Rai Bahadur Choudhry Suraj Mal, M.L.A.,
Hisar.
11. Pandit Siri Ram, Sharma, M.L.A.,
Rohtak.

Ujjal Singh

Harnam Singh

Member Constituent Assembly

Kartar Singh

Partap Singh

Tek Chand

Chaman Lall

Gopi Chand Bhargava
M.L.A.

Harbhaj Lal

M. L. A.

Prithvi Singh Azad

Suraj Mal

M. L. A.

Siri Ram

Appendix

The Census Reports for 1881 to 1901 show that the Muslim in the British Punjab were in a minority, their proportion in 1901 being 49.61%. Even till 1911 the Punjab was not a Muslim majority Province.

The population of the Punjab in the first decade of the 20th century showed a decline from 24,367,113 to 23,791,841 in 1911. But during the decade the percentage of the Muslim population showed a rise from 49.61 percent to 51.07 percent. The Superintendent of Census Operations of 1911 at page 97 of his Report gives an explanation of this rise. He says, "The members of the depressed classes, i.e., Chuhras, Sansis, etc. who did not profess to belong to Islam or Christianity were returned as Hindus in the three previous censuses and similar instructions were issued in the recent census. Nevertheless, a number of Sansis and Chuhars residing in Mohammedan villages were returned as Mohammedans". This, according to the Census Superintendent, explains the fall in the case of the Hindus and rise in the case of the Muslims.

The Census of 1921 was conducted by Mr. Middleton, ICS, and Mr. S.M. Jacob, ICS. At page 106 of the Report the Census Superintendent observes: "Evidence as to the unreliability of the Census of the number of inhabitants per building, carried out in Lahore, Amritsar, Rawalpindi and Jullundur, though, of course, the accuracy to be expected is much less than that of the census proper, is afforded by the statistics themselves. Thus, by adding up the number of buildings with the specified number of inhabitants, per building it is found that, in the case of Wards 1-6 of the Lahore City, there must be no less than 1,17,140 inhabitants as against 92, 533 enumerated in the census. The difference of over 24, 000 cannot be accounted for except by the inaccuracy of one or the other of the enumerations. In the case of Ward 3 of Rawalpindi the discrepancy is even more marked."

The Census Operations of 1931 for the Punjab were conducted by Khan Sahib Ahmed Hassan Khan P.C.S. as Superintendent. At page 79 of his Report he writes, "Another factor came into play on the present occasion and deprived the census operations of the calm atmosphere which is essential to the obtaining of correct figures. The new constitution for India was to be framed at no distant date and value attached to the communal figures brought out by the Census was greater than ever. Consequently, the atmosphere was surcharged with propaganda carried on through various agencies and attempts were made in some places by enumerators to swell the figures of their communities by means of bogus entries or to curtail the strength of rival communities by scoring out persons who were actually present on the final census night. There were also some cases in which the residents of houses returned bogus names with the same motives. This mostly took place in certain urban areas, the worst offender in the respect being Amritsar. In Lahore several cases came to notice where whole families were left unenumerated". At page 81 of the 'Report the Census Superintendent adds, "The number of the recoded houses during the preliminary enumeration was 8,167,739 and on the final census night 5,946,652 houses were found occupied."

The census of 1941 recorded an unusual increase of 58 lakhs in the total population of the Punjab. The variation percentage during the last decade was the highest since 1901 as shown below:

<i>Period</i>	<i>Variation Percentage</i>
1900-11	1.8
1911-21	5.6
1921-31	13.9
1931-41	20.5

Mr. M.W.M. Yeatts, CIE, ICS, Census Commissioner for India, 1941 at page 9 of his Reports, says: "1940-41 saw also political influence on the census, but in the opposite direction; since, whereas the difficulty in 1931 had been to defeat a boycott, the difficulty in 1941 was to defeat an excess of zeal." According to the Census of 1941 India added another fifty millions to its population in ten years between 1931 and 1941. With regard to this increase, Mr. Yeatts in his Report says. "The increase is by no means uniform. Although greater figure than for the previous decade is practically universal, rates are noticeably larger in the north than in the south and we have two distinct peaks in the extreme west and north-west and in the east. In fact we have in the Punjab and in Eastern Bengal, two swarming areas." At page 30 of the Report, Mr. Yeatts Again observes, "It was inevitable that sooner or later an exaggerated and pathological interest would come to attend on the production of figures which a communal segregation expresses and when you have a pathological interest in the production of figures, which a communal segregation expresses and when you have introduced into them a weakness which will remove all value unless suitable remedy is applied. If the circumstances of today continue and if a community record is desired and if the general attitude of the citizens has not developed towards a deeper understanding of their own role, then it is doubtful whether ten years hence it will be possible, at any rate in certain areas, to take a community record at all."

From the above quotations it is evident that the census figures are not reliable as there was bogus inflation in certain cases and suppression in others. Subsequent to the Census enumeration of 1941 rationing enumeration took place in some areas of the Punjab under the Defence of India Rules. The Rationing Enumeration has disclosed that the figures for the Muslim community were swollen at the Census of 1941 and that the figures for the Hindu and Sikh minorities were suppressed at the Census

Another fact which has to be borne in mind is that the Punjab is the province of peasant proprietors. The economy of the Province is mainly agricultural and in any scheme of partition of the Punjab the main economy of the Province has to be preserved in tact. Professor Coupland on page 84 of the "Future of India" observes. "The Sikhs farm about 15 per cent of the aggregate population of the province and the States and there is not a single district of the province in which the Sikhs are in a clear majority. But the traditional qualities of the typical Sikh the sturdy-free-minded peasant proprietor of the Central Punjab, where he owns most of the best land his energy and toughness and courage and the great contribution he has long made and is still making to the strength and renown of the Indian Army give to his community an importance in the Punjab out of all proportions to his numbers".

Again it will not be out of place to remember in this connection that the Hindus have been in the Punjab since the dawn of history. "As for the Sikhs, if any community can lay special claim to the Punjab as its Homeland, it is they. They were the last rulers of the Punjab and their most important shrines stretch from Sirhind on one side to Punja Sahib on the other with the Golden Temple at Amritsar in the centre of the province. It is not only the Homeland

but the Holy Land of Sikhs, to which they are attached by all the intimate bonds of religion history and tradition. The Sikhs number a little less than 6 millions; about 5 millions are settled in the Punjab where lie all the Sikh States." (Vide Constitutional Proposals of the Sapru Committee page 133, para 176).

33

Sardar Baldev Singh to Rear-Admiral Viscount Mountbatten of Burma

I.O.R. R/3/1/178:

1 BHAGWAN DAS ROAD,
NEW DELHI,
1 May 1947

My Dear Lord Mountbatten,

I have in my letter of the 27th April given you my views about the division of the Punjab. In the talks I have had with your Advisers I got an impression that a proposal was under consideration somewhat on the following lines, viz. to make two arbitrary divisions of the province in the first instance and then let the present Members of the Legislature belonging to the respective areas elect one member per million to decide:

- (i) whether Punjab is to be partitioned.
- (ii) in case of partition of the Punjab which Union the area voting will join, when and if India is divided.

The procedure is not quite clear though it looks as if it might be tried. Your Advisers, however, also conveyed the impression that this arbitrary division would include, in the East, the Divisions of Amabala and Jullundur plus Amritsar District and the rest of the Punjab in the West.

This, I must emphasise, will be most objectionable as it is bound to create an impression that the final division of the Punjab will also be on this basis. Such an impression, as Your Excellency will have seen from my last letter, must be avoided at all costs in the interests of the Province as a whole and particularly the Sikhs. It will also be unjust to the minorities. I am therefore strongly opposed to this basis of division and would suggest instead that if the plan of your Advisers is to be at all adopted, the Eastern Zone should include in addition to the Division of Ambala and Jullundur the districts of Gurdaspur, Amritsar and Lahore as well. Such a division will be approximately as near as the alternatives I suggested in my previous letter and will not create the complications I fear.

I would reiterate with all the emphasis I command that as the division of India is being planned at Mr. Jinnah's insistence, he cannot be allowed to impose his will on the Minorities. The partition of the Punjab is necessitated by Sikh case. The Sikhs cannot and will not be dominated by Muslims and no partition will meet the ends of justice if it does not exclude from Muslim area as large a percentage of Sikh population as possible. I have in my last letter shown how best this can be done. I am also told that for the Interim period, pending the final decision of the Punjab, two Ministries are to be set up each for the area

arbitrarily marked out, namely, the Divisions of Ambala and Jullundur plus Amritsar District in the East and the rest of the Punjab in the West. This again will be unjust to the Minorities and I cannot agree to it. Justice and fairplay demand that if an interim arrangement is to be made the Eastern Zone should include all the three Divisions of Ambala, Jullundur and Lahore, If on the other hand, the Muslim League's intransigence is still to be placated the Eastern Zone should in no case be less than the Divisions of Ambala and Jullundur plus three out of the six districts of Lahore Division namely Gurdaspur, Amritsar and Lahore. The proposed Interim Ministerial arrangement for the two respective zones I have suggested should continue till the Boundary Commission has given its award for final partition, and machinery is devised to give effect to its decision.

Yours sincerely,
BALDEV SINGH

H.E. Admiral Lord Louis Mountbatten
Viceroy of India
New Delhi - 8

34

Sir E. Jenkins (Punjab) to Rear Admiral Viscount Mountbatten of Burma

T.P. Vol X-298

SECRET
No. 668

GOVERNMENT HOUSE, LAHORE
3 May 1947

Dear Lord Mountbatten,

Your Excellency may be interested in the enclosed note of an interview I had yesterday with Sardar Swaran Singh, Sardar Harbans (Harnam) Singh and Lala Bhim Sen Sachar. Sardar Swaran Singh, as Your Excellency may remember, was Development Minister in the Punjab and is now prominent in Sikh politics. Sardar Harbans Singh (Sir) is an Advocate, originally of the Rawalpindi District and is a Member of the Constituent Assembly. Lala Bhim Sen Sachar was our Finance Minister. Characteristically the three gentlemen did not mention to me the proceedings or intentions of the Hindu and Sikh "Convention" which recently met at Delhi. They left me to see in this morning a newspapers that this "Convention" had demanded the partition of the Punjab with the Chenab as the western boundary between the two States. The non-Muslim State must according to the "Convention", include the whole of the Ambala, Jullundur and Lahore Divisions, and one colony district from the Multan Division.

2. This partition business seems to me to be getting out of control. The present position may be stated as follows:-

- (1) We could partition the Punjab (a) by force in pursuance of an award by H.M.G., or (b) amicably in pursuance of an agreement between the communities.
- (2) Course (a) would require the use of a very large body of troops and is for this reason alone impracticable. It would in any case be a difficult and unpleasant course, resulting in the establishment of two Governments, which would be compelled to rule by massacre.
- (3) Course (b) has so far held the field, and until a few days ago it seemed that if Pakistan were conceded, Jinnah would instruct his followers to accept a reasonable partition. The attitude of the Hindus and Sikhs has never been certain but there was a chance that if the Muslims met them half-way, they would be reasonable.
- (4) The situation has been radically changed by Jinnah's public announcement that Pakistan must include the whole of the Punjab (he would probably agree to the severance from the Punjab of a part at least of the Ambala Division, but this does not affect the main issue). The Hindus and Sikhs, particularly the latter, have countered with the most extravagant claims and are certainly not prepared to agree to the inclusion of the whole of the Punjab in Pakistan or to any reasonable partition. Their claim to the whole of the Lahore Division may be a bluff, but they would, I am sure, refuse to accept any boundary short of the Ravi, and they would insist on the inclusion in the non-Muslim State of a considerable colony area, possibly an entire district.
- (5) It is thus clear that we are not going to succeed in course (b). There will not be an amicable partition in pursuance of an agreement between the parties, and if we are not very careful, we shall be manoeuvred into giving an award which we shall be unwilling or unable to enforce.

3. In these circumstances I think that Your Excellency should reconsider the terms of any early announcement embodying a solution of the Indian political problem. In the Punjab we are going to be faced with a complete refusal of the communities to cooperate on any basis at all. It would clearly be futile to announce a partition of the Punjab which no community would accept. The announcement would be regarded as an award which all three communities would dare us to enforce, and I have no doubt that all three communities would dare us to enforce, and I have no doubt that all three communities would begin instantly to fight among themselves. We cannot get away from the basic facts—that Jinnah wants the whole of the Punjab, and that the Hindus and Sikhs will insist that he is not to have more than two-fifths of it. There can be no peaceful solution without a complete change of front by all communities, and unless Your Excellency sees some prospect of such a change. I think we must begin to consider very seriously what *ad hoc* arrangement can be made for the transfer of power. I have not been able to think of any suitable arrangement—failing communal agreement there can be no orderly representative Government here; and failing orderly representative Government there is no satisfactory successor.

Yours sincerely,
E.M. Jenkins.

2 May 1947

Sardar Swaran Singh, Sardar Harnam Singh and Lal Bhim Sen Sachar called on me at their request at 4.00.p.m. today. They said they had come to discuss the partition of the Punjab.

2. Sardar Harnam Singh who did much of the talking explained that he had just had an interview with Lord Ismay in Delhi. Lord Ismay had told him-

- (i) that the Statement of 16th May 1946 was a dead letter;
- (ii) that Pakistan was coming; and
- (iii) that the partition of the Punjab was therefore inevitable.

Sardar Harnam Singh had been given to understand by Lord Ismay with reference to (iii) that partition would be by Muslim majority districts and non-Muslim majority districts. The Sikhs were quite unable to accept this arrangement, and he had told Lord Ismay so, Lord Ismay had then advised him to see me.

In the first place Sardar Harnam Singh contended that the Census of 1941 was not reliable, especially for Lahore City. Sardar Harnam Singh referred to certain opinions alleged to have been expressed by the authors of the Census Reports about the unreliability of the 1941 Census of the Punjab. He believed that the rationing figures in many towns proved the inaccuracy of the Census figures. In many districts and tahsils the Muslim majority was very small and it would be grossly unfair to the Sikhs to hand over "marginal" districts, such as Gurdaspur, to the Muslims on the basis of admittedly inaccurate figures.

I replied to this that, however, bad the Census of 1941 might have been, it was the best evidence we had of our population and its distribution. We could not proceed upon the rationing figures which were compiled for a different purpose and had no great reputation for accuracy.

Secondly, Sardar Harnam Singh argued that though non-Muslim population of the Punjab was 43% of the total population the territory allotted to the non-Muslim on the basis contemplated by Lord Ismay was to be only 33% of the total area of the Punjab. He indicated with support from S. Swaran Singh that Muslims and non-Muslims should in the first place be allotted areas corresponding to their respective population strengths and that there should subsequently be an exchange of population. S. Harnam Singh stressed the economic importance of non-Muslims, who owned, according to him, not less than half of the agricultural land in the Punjab and not less than 70% of the urban house property and of the commercial interests in the cities and towns.

To this argument I replied that however the Punjab was divided, the population of the separated areas would be mixed. I did not believe that transfers of population on a grand scale were practicable. I doubted if historically there had been any voluntary transfer of population on the scale contemplated since the great tribal migration which had so profoundly affected Europe and parts of Asia. Hitler's compulsory transfers usually led to

death, the persons transferred being employed more or less as slaves. It seemed to me that any partition must take into account not only the strength of the two communities but their territorial distribution. Population must surely be the most important factor; I did not see how economic condition and other similar factors could count for very much. Sardar Harnam Singh must consider that the time available to us was very exceedingly short. It was not the intention of H.M.G. to force a partition on the Punjab or to make a rigid award to which no community agreed. Their problem was to find an authority to whom power could be demitted next year. The Punjabis would have to work out their own arrangements for themselves, but it was obvious that the successor authority or authorities would have to be identifiable and reasonably stable, I could not transfer my powers under Section 93 of the Government of India Act, 1935, to a boundary commission in the hope that in the course of some years two new states might emerge.

Thirdly, Sardar Harnam, Singh said that partition on the lines contemplated would be grossly unfair because of the artificial character of some of the districts. For example Narowal, a Tahsil of the Sialkot District, had once formed part of the Amritsar District and had a non-Muslim majority.

I pointed out that Narowal was in fact a Muslim majority Tashil. It seemed to me that the more one discussed individual areas the clearer it became that one could not discard the population basis.

2. I said again that H.M.G.'s immediate and limited object was to find an authority or authorities to whom power could be demitted. Our discussion so far had simply brought out the extreme difficulties of any partition. My personal opinion was that partition was a hopeless solution which all communities would regret. But if the Punjabis wanted partition they would have to agree about its principles. I suggested that we should try to narrow the issues by considering how far the communities were likely to agree.

On this the two Sardars said that there was no dispute about the Rawalpindi Division which was admittedly Muslim in the Multan Division the Sikhs must have a colony district or at least an entire canal system. They might be prepared to take over Sheikhupura and to relinquish all claim to colony land elsewhere on the understanding that the Muslim population of Sheikhupura would be exchanged with the Sikh population of Lyallpur and Montgomery. Alternatively, the Sikhs would like the Montgomery District.

In the East they said that there would be no dispute about the Ambala and Jullundur Divisions. I argued that I was receiving truculent telegrams from the Muslims of the Jullundur Division saying that they would never submit to a partition or to the Sikh yoke. I agreed however, that these two Divisions were broadly non-Muslim country, though there was a large Muslim minority.

We then got on to the Lahore Division and the two Sardars made it clear that this was the real *casus belli*. They argued vehemently that Gurdaspur was a non-Muslim district; that Amritsar must certainly go to the non-Muslim even under Lord Ismay's formula: that outside Lahore city the Lahore district was substantially Sikh; and that the Muslims had played a very small part in the development of Lahore city. Reverting to their colony claim, they showed a strong interest in the Montgomery district.

After a good deal of argument they said that any attempt to divide that Lahore Division would lead to an immediate explosion. The Sikhs would be deserting 1.5 million

of their co-religionists and this would be quite intolerable. Their area must include all districts with a substantial Sikh population. I rejoined that this idea was quite untenable since the Sikhs were not in a majority in a single district. They would do well to remember that the Muslims had precisely similar problems. The two new States would in fact have minority problems almost as acute as those which beset the Punjab today.

In the upshot the two Sardars and Lala Bhim Sen Sachar suggested the creation of a third State. The Muslims would get the Rawalpindi and Multan Divisions less Montgomery, and the non-Muslims would get the Jullundur and Ambala Divisions. The Lahore Division plus the Montgomery district would be a central State, governed jointly by Muslims, Hindus and Sikhs. It would be understood that this central State would ultimately be partitioned between the western and eastern States and the details would be a matter for the boundary commission.

3. I repeated that our discussion kept underlining the folly of partition. S Swaran Singh agreed, but said that since Mr. Jinnah insisted on a sovereign Pakistan State, the Sikhs had no alternative but to demand a homeland of their own, and could get this only by partition. For the Sikhs it was a matter of life and death.

I pointed out, as I had done in passing at an earlier stage in the discussion, that all communities tended to deny to others what benefit the Sikhs would get from domination over areas with a Muslim majority. Turning to the creation of the three separate States I said that this would evidently take a long time. I asked how the Sikhs proposed that the Punjab should be governed until the three states were set up. An Interim Government would be needed and would presumably be the successor authority. To this I received no very clear answer. I said that if all parties were agreed to partition in accordance with certain principles, it might be possible to adopt some form of zonal administration within the present constitution but I emphasized that this involved agreement and cooperation between the important communities to such a degree that if a zonal system were possible an ordinary Coalition Ministry would also be possible.

After some further desultory exchanges our discussion ended.

4. The two Sardars said that they hoped that nothing would be done to hand the Sikhs over to Muslim domination and oppression. I reiterated that H.M.G. could not force an award upon an unwilling Punjab. I adhered to the old-fashioned view that union was the real answer, but if the Punjabis would not have union, they must think out their own solution and it would be for them to see what form of partition they would accept. I hoped that a real effort would be made to arrive at some agreed settlement.

5. This was an interesting talk. It illustrates the unreasonable demands of the Sikhs and also illustrates the extreme danger of an announcement by H.M.G. of a partition of the Punjab unless the parties have agreed in advance to the principles of such a partition. There may be something in the idea of the third Central State, ridiculous though it is. Our problem may be to tide over the few months remaining before June 1948 in any way which will prevent immediate fighting. Unless there is a considerable change in the Muslim view, fighting is inevitable and the only question is when it will break out.

E.M. JENKINS

Lord Mountbatten's Interviewed with Maharaja Patiala

I.O.R. MB 121

Seal Broadland Archives

Note on an interview with H.H. the Maharaja of Patiala, dated 3rd May 47. by I.D. Scott (I.C.S. Deputy Private Secretary to the Viceroy)

I had a long interview with the Maharaja of Patiala this afternoon. He was very distressed at the idea of a division of the Punjab and protested against demarcation according to Muslim majority and non-Muslim majority districts. He wished the boundary to be placed further of the North West, although he agreed that an enclave around Lahore should remain with the Muslim Western Punjab. He seemed to base this request on the extent of Sikh interests in the districts which he claimed and also on the fact that these districts would be necessary if there was to be sufficient elbow room to absorb those Sikhs who would migrate from the North-West.

2. I explained to him that it was impossible for me, both from the point of view of satisfying my own conscience as well as world public opinion, to depart from the principle of population majorities, in order to achieve the notional division required for implementing the first half of my plan. I sympathised with him over the plight in which the Sikhs find themselves, but pointed out that the demand for partition was on their side and on the part of the Hindus; and that whereas he claimed certain Muslim majority areas for Eastern Punjab Mr. Jinnah claimed the whole of the Punjab.

3. I made it quite clear also that I would ruthlessly suppress any fighting which might break out on the announcement of the plan or subsequently up to the date of transfer of power. I said that I would use the utmost force against either side or both sides, guilty of indulging in violence; and that if the Cabinet did not support me, the consequences would be entirely their responsibility.

4. We examined the proposed division on the map, and I explained that the notional division in no way prejudiced the work of the Boundary Commission which would have to work out the actual line between the two parts of the Punjab. Adjustments would be possible by mutual agreement, and since the Boundary Commission would consist of representatives of the parties concerned, possibly with a British Chairman it would be up to them to make satisfactory compromises e.g. in regard to places containing shrines, to be included in one or other area.

5. The Maharaja said that he saw no hope whatever of agreement between the Sikhs and the Muslim for maintaining a united Punjab; and reluctantly accepted my decision that the only way to proceed with notional division was by Muslim majority and non-Muslim

majority districts.

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Viceroy to Secretary of State

I.O.R.MB 121

Cypher Telegram (OTP)

Top Secret
976-S

Dated 4th May, 1947 (TOD-0100)

Immediate

Top Secret. For Ismay. I had a lengthy discussion today with the Maharaja of Patiala, who complained bitterly of the notional division of the Punjab for voting purposes by Muslim majority districts and non-Muslim majority districts. I pointed out to him that this was only for one purpose namely in order to get the two assemblies to vote separately on partition or unity, and did not in the least prejudice the ultimate decision of the Boundary Commission in regard to the actual line of demarcation between the Eastern and Western Punjab in the event of division. He argued that several districts of the Lahore Division should be added to the Eastern Punjab in order to provide a compact homeland for the Sikhs; but I explained that it was impossible for me to proceed otherwise in the first instance than strictly by majorities on the basis of the 1941 census.

2. It is most important that the announcement should include a clear statement of this position, both for the Punjab and for Bengal, and that it should be made quite clear that the subsequent work of the Boundary Commission will in no way be prejudiced by this preliminary division.

37

Lord Ismay Sir Evan Jenkins

I.O.R. MB 121

Cypher Telegram (OTP)
Top Secret)
992-S

From : Viceroy.

To: Secretary of State.

Repeated Governor of Punjab (Immediate)

No.992-S Dated the 5th May 1947 (TOD -2200).

MOST IMMEDIATE

Top Secret. Ismay from Viceroy.

Jenkins' reply on the subject of referendum is that it would be in any circumstances a doubtful expedient in the Punjab where voters are entirely in the hands of party leaders. Referendum could not be on simple issue of adherence to Pakistan or Hindustan as in N.W.F.P., but would have to be based on partition on which no question can at present be framed to which members of all communities could answer an unqualified "Yes" or "No".

2. In regard to partition Jenkins considers the situation since the Governors' Conference has been radically altered by Jinnah's public announcement that Pakistan must include the whole of the Punjab. He feels that there is no chance that the plan in V.C.P.42 will be voluntarily carried out and that all parties are likely to boycott the proceedings.

3. I feel that Jenkins' arguments are based on false premises. In the first place I think that Jinnah's announcement was intended merely as a counter-blast to the article in the Hindustan Times which I repeated in my telegram No.235-GT of 3rd May. Certainly in recent conversations which Mieville and I have had with Jinnah he did not appear seriously to contest the need for partition but seemed even grateful for 17 districts of the Punjab.

4. Congress had accepted the principle of Partition as you will have seen from Nehru's letter of 1st May, which has been forwarded to you by bag.

5. Patiala also accepted by implication the principle of notional partition, but he was gloomy about the hardening of the Sikhs demands since notional partition puts two million Sikhs into Hindustan and 1,800,000 into Pakistan.

6. Notional partition will probably cause difficulty in that it will not be understood by majority of people in the Province as merely being an instrument whereby the will of the people can be ascertained, and it will, therefore be important to make it clear that a Boundary Commission is to be set up to settle the final partition. I think that this point can best be brought out in my broadcast rather than embodied in the plan.

7. It is clear to me that I cannot recommend notional partition on any basis other than communal majorities in the district, and that so long as risk of open conflict remains the Punjab must remain under section 93. Only alternative, therefore, to award by H.M.G. on basis of partition as in our Plan is settlement by negotiations between the communities and this is what we must aim for. Opportunity for this might be afforded by appointing Section 93 advisers, one from each community, and development from that into some form of Regional administration as contemplated in B.N. Rau's plan first by advisers and as soon as possible by Coalition Government.

8. But I do not think this need be embodied in the Plan at the present stage, which, as far as the Punjab is concerned may go forward for H.M.G.'s decision in the form in which it now is in V.C.P. 42.

9. Jenkins is coming to Simla later in the week and I will discuss the position further with him.

Wee
1446/2

38

Lord Mountbatten to Sardar Baldev Singh

I.O.R.M.B.125

Reference: R/3/1/178

No.592/90
5 May 1947.

Dear Sardar Baldev Singh,

Thank you for your letter of the 1st May* about a possible division of the Punjab.

2. I should like to make it quite clear that the notional division which is being adopted in the first instance will be solely in order to create two assemblies for voting purposes on the broad question of partition or unity. It will in no way prejudice the subsequent work of the Boundary Commission which will have to be set up, in order to demarcate the actual limits of the two parts of the Punjab.

3. You will realise that it is not possible for me, either in equity or morally, to adopt any other criterion for this immediate purpose than demarcation by Muslim majority and non-Muslim majority areas.

4. Arrangements which I am hoping to embody in my plan will at no stage prevent the Punjab from deciding to frame a united constitution if the representatives of the people so desire, nor will they in any way prevent mutual agreed readjustment of frontiers if they decide to separate.

5. Finally, I have adopted your suggestion of leaving it open to East Punjab to negotiate with either Hindustan or Pakistan to decide which Constituent Assembly they will join.

Yours sincerely.
Sd/- Mountbatten of Burma.

The Hon'ble Sardar Baldev Singh

* This letter is in reply of Document no. 33

S. Tarlok Singh to Mr. I.D. Scott

I.O.R. MB.121

D.O. No. F.7 (4) 47
External Affairs Department
New Delhi
The 5th May 1947.

My dear Scott,

Pandit Nehru has been receiving a large number of telegrams everyday in regard to the partition of the Punjab and Bengal. Lately the number of these telegrams has been anything from 100 to 200. Many of the telegrams come from Gurdaspur District which has, as you know, a very narrow majority of one community over the rest. It is of course clear that there are very strong feelings on the subject. In particular, the need for a plebiscite is being stressed a great deal. Pandit Nehru has asked me to let you have this information and also to enquire whether you would like me to pass these telegrams to you.

Yours sincerely,
Sd/- (Tarlok Singh)
Private Secy. to Pandit J.L. Nehru.

I.D. Scott, Esqr. I.C.S.,
Deputy Private Secy. to H.E. the Viceroy,
Viceroy's House, New Delhi.

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

I.O.R. M.B. 121

SECRET

GOVERNMENT HOUSE, LAHORE, 7 MAY 1947

Dear Lord Mountbatten,

Many thanks for Your Excellency's letter of 5th May. Baldev Singh's letter,* on which you ask for my comments, raises two points:-

- (a) that if the Punjab is partitioned, the non-Muslim or eastern zone should include, in addition to the Ambala and Jullundur Divisions, the Gurdaspur, Amritsar and Lahore districts; and

- (b) that if a zonal scheme is adopted pending the completion of the physical partition, the non-Muslim or eastern zone should include the whole of the Ambala, Jullundur and Lahore Divisions, or at least the territory mentioned in (a) above.

Baldev Singh, like other Sikhs seems quite unable to understand that the Sikhs are not only people to be considered. They have no absolute majority of their own in any district, and the new State they contemplate is not really a Sikh State at all but a non-Muslim State. It is all very well to say that we must "exclude from Muslim area as large a percentage of the Sikh population as possible", but we cannot in order to achieve this purpose, bring into the non-Muslim State a large number of unwilling Muslims. Baldev Singh's demands are rather less extreme than those of Tara Singh, Kartar Singh and some others; but if they are pressed they will make the Muslim resistance to partition seem perfectly reasonable. Partition is justifiable only as a means of reconciling irreconcilable people. It will destroy the work of a century and ruin the Punjab. If the Sikhs insist upon it, they must be content with a reasonable share and cannot be allowed to bring Muslim majority districts under non-Muslim domination. As I said in a recent letter, one of the difficulties in the present situation is that each community denies to the rest the rights which it claims for itself.

2. I hope that the Government of India will find it possible to undertake the riot insurance scheme. I am sure that it is necessary if trade, particularly in foodgrains, is to be maintained.

3. I wrote too soon about the compensation scales for the Service. The officers of the Indian police are gravely dissatisfied with them, and I am writing separately to Your Excellency about this.

Your's sincerely
E.M. JENKINS

His Excellency Rear Admiral the Viscount Mountbatten of Burma,
KGPC, GMSI, GCVO, KCB, DSO
Viceroy and Governor General of India

* Also Vide Document No.33 and 38

41

Master Tara Singh, Sardar Baldev Singh and Sardar Swarn Singh to the
Earl of Listowel

T.P. Vol. X-340

LAHORE, 7 May 1947
Received: 8 May

After brutal happenings in Western Punjab no Sikh or Hindu's honour, life or property

is safe under Muslim domination in existing Punjab. Therefore, division of Punjab alone can provide safety and homeland for Sikhs who ruled Punjab before British whose historical and economic position entitles them to special consideration. The proposal to make only twelve eastern districts as homeland for Sikhs and Punjab Hindus causing consternation. This division is unfair and unjust as these districts comprise only thirty five per cent area as against fifty per cent property and forty three per cent population of Sikhs and Hindus of Punjab. This proposal is a heaviest blow to the Sikhs as it carves already small community into two halves and deprives them of entire canal colony areas developed mainly through their efforts and enterprise. Proposed Eastern Province has extremely low disproportionate share of provincial assets providing no scope for exchange of population and property. The proposal mutilates whole system of Upper Bari Doab Canal. We demand division of Punjab along river Chenab with provision for exchange of population and property. Thus alone can integrity and solidarity of Sikhs and their holdings be preserved and equitable distribution of provincial assets assured. Any interim arrangement inconsistent with this demand extremely prejudicial to Sikhs and will be resisted. We remind Britain of its repeated pledges to the Sikhs. Now is the time to redeem them.

MASTER TARA SINGH, BALDEV SINGH, SWARAN SINGH

Cables in similar terms were sent to a number of people including Mr. Attlee, Sir S. Cripps and Mr. Woodrow Wyatt. The latter sent a copy to Lord Listowel remarking that he thought 'the Sikhs are going to be an exceedingly difficult proposition in any partition plan'. On 9 May Sir P. Patrick noted on the telegram that the protest is premature but significant. On 14 May Lord Listowel acknowledged. Mr. Wyatt's letter and his Private Secretary sent an acknowledgement of the cable to Sardar Baldev Singh L/P & j/7/12252; ff 2-3, 9, 12.

42

Sardar Baldev Singh's Letter in British Cabinet Committee

I.O.R. MB-152

SECRET
L.B.(47) 57
7TH May, 1947

Seal Broadland
Archives.

CABINET

INDIA AND RURAL COMMITTEE—INDIAN POLICY

Note by Secretary

As instructed, I circulate for consideration by the Committee at their meeting on 8th

May, a private letter from Sardar Baldev Singh on the implications of any scheme for the division of the Punjab.

(Sgt) S.E.V. LUKE
Secretary

Cabinet Office, S.W.1.
7 THE MAY, 1947

Many thanks for your letter of the 10th. I should have replied earlier but my elder boy, Surjit, has been laid up with a very serious attack of typhoid and of course this has been a cause of considerable anxiety and preoccupied most of my time.

Thank you for your very interesting suggestions. Matters here have moved rapidly and in the context of grave happenings in the Punjab and bitterness that has been created, it has been impossible for any of us to think in terms of any collaboration with the Muslim League, in its present temper. Everyone seems now to have come to the conclusion that division of the Punjab limiting myself only to our own Province-is the only way out now.

You well know the Sikh view point in this connection. Our peculiar position in the Punjab made us realise sometime ago that it was impossible for us to agree to any communal domination. In the scheme of Pakistan as before us now, we can remain in the Punjab only at the peril of our existence. Though others failed to see how the League was drifting away we realised their separatist tendencies more than a year ago. You will remember the Memorandum we presented to the British Cabinet Mission. In it we made our position clear that the Sikhs will in no circumstances agree to remain in Pakistan area and that if Pakistan area was to be conceded, the Punjab must be divided. You will remember that the Cabinet Mission held that if the League's various claims for a sovereign State were to be conceded, no one could in Justice deny the non-Muslims, claim for the division of the Punjab.

.... Coming now to the specific issue of the division of the Punjab we have after much thought arrived at some conclusions. I need hardly say that it is impossible to reconcile ourselves to any scheme based on communal majority in contiguous districts. This, as you know, was examined and rejected by the British Cabinet Mission itself, among other reasons, on the ground that it would divide the Sikh community into two. The alternatives are—

- (a) to take the basis of landed property into account held respectively by non-Muslims and Muslims in the Punjab as a whole.
- (b) to take the basis of the population strength of non-Muslims and Muslims respectively according to the latest available statistics.

As regards (a) the position is simple. Non-Muslims, including Sikhs of course, own well over 50 per cent of the landed property in the province. The question was examined by the Punjab Government in 1931 by analysing the incidence of land revenue paid by each community. It was then found that of the total revenue of over Rs. 43,813,977 non-Muslims paid Rs. 21,844,913. Taking also into account the fact that non-Muslims own well over 80 per cent of the urban property, their share of the total immovable property as I have said is well over 50 per cent.

In this connection, I might say that because principally of this, namely that non-

Muslims pay half the total revenue of the province, the share in administrative posts of non-Muslims and Muslims was fixed on 50-50 basis some years ago. The composition of the Punjab Cabinet was also fixed on this basis. Taking all those factors into consideration we claim that out of the total of some 99,000 square miles of the Province non-Muslims should get half or say 50,000 square miles.

The enclosed copies of statements issued by Mr. Jinnah recently show that Mr. Jinnah has already accepted the principle of transfer of population. Knowing as you do, Indian conditions, such transfers would be impossible from one province to the other, but if they are arranged within a province itself such as the Punjab, there would be little difficulty. If the province is divided on the basis of land holdings, there would be the least possible economic or financial complications. The economy of the Punjab is almost wholly agricultural and it would be but just to divide the Province on the basis of the total land holdings and separate non-Muslims from Muslims on that basis.

.... In any event, I think the non-Muslims have a preponderantly better claim on the three Divisions of Ambala, Jullundur and Lahore. The total area of these three Divisions is nearly 46,000 square miles and the population 17,352,044. Of those non-Muslims are 9,956,308, the Sikhs being 3,004,707. If we get these three Divisions we will have less than half the total area. Some 80 per cent of the total Sikh population of the Province including Nankana Sahib, the birth place of the Founder of Sikh religion, will go to this territory thus solving the Sikh problem ... and also satisfying the concern of the British Cabinet Mission about Sikhs not being divided into half and half as under the other scheme. In this area the total revenue is Rs. 24,228,998. Of this Rs. 14,674,704 is paid by non-Muslims, the Sikhs alone paying Rs. 856,586. Thus both on the basis of population and revenue, these three divisions constitute a predominantly non-Muslim area.

If the division takes place on the basis as in the para immediately above, its total area will be less than half by about 4000 square miles. The latter should be made good by inclusion in the non-Muslim area of either the District of Lyallpur or of Montgomery. Both of these districts are in the colony areas. You know very well the part played by Sikhs in developing Punjab colonies. Sir Edward Maclaman had this to say about us:—

“No colony could have better material, for Ludhiana, Jullundur and Amritsar represent the flower of Indian agriculture. They are the home of Jat Sikhs who have been described as the most desirable of Colonists.... In his new environment, (Colony Area) the Jat Sikh has reached a point of development probably beyond any thing else of the kind in India. In less than a generation, he has made the wilderness blossom like the rose. It is as if the energy of the virgin soil of the Bar has passed into his veins and made him almost part of the forces of nature which he has conquered.”

.... Needless it is for me to say that if this is done in a genuine and helpful spirit, we look forward to the end of this desultory chapter in the history of our dear country and to the establishment of most friendly relations with your Government and people.

With Kind regards,

Yours sincerely,
Sd/- BALDEV SINGH

S. Baldev Singh to Lord Mountbatten

I.O.R. MB. 121

SEAL
(Member of Council Defence)

1, Bhagwan Das Road
New Delhi.
May 7, 1947.

My dear Lord Mountbatten,

Many thanks for your letter No. 592/90* after receipt of which I had an opportunity of discussing the partition of the Punjab during my interview with Your Excellency yesterday. I must frankly say that I am considerably upset at the tentative proposals as explained and set out in your letter.

2. I have very carefully considered the proposed "notional division" and am very definitely of the opinion that a declaration on this basis is bound to create an impression on public mind that this will more or less be the final partition of the Punjab. It will stiffen the attitude of the Muslim League and make it almost impossible to realign the areas differently at a later stage. In fact, it is bound to influence the Boundary Commission as well.

3. As I explained to you personally, there does not seem to be any justification to include Gurdaspur in the Western zone at any stage. The difference in populations is a mere fraction even if the Census figures are taken as they stand. Its inclusion in the Western zone will cut at the root of the entire economy and communications of the district which is vitally dependent on Amritsar and will isolate the predominantly non-Muslim area of Kangra etc. It will therefore be quite unjust to separate it from the Eastern zone even in the "notional division". What I am anxious for is that nothing should be done to prejudice the Boundary Commission or create an impression that the "notional division" was more or less the final partition of the Punjab. This could be best avoided by dividing the members of the Punjab Legislature of the two districts of Gurdaspur and Lahore, and the representatives they elect to decide partition, equally among the Eastern and Western zones. If this suggestion of mine is accepted, it will prevent the final issue being prejudiced, I hope you will kindly give this suggestion your careful consideration.

4. The necessity for partition of the Punjab has arisen on account of the Sikh demand in particular. The Cabinet Mission went very carefully into this question as they were impressed by the Sikh case. Considerable sympathy was also expressed in both Houses of Parliament in our behalf and we were assured that HMG would do us justice. This is clear from the correspondence which passed between the members of the Cabinet Mission and Sikh leaders. I will not like to take your time by relevant quotations, but I will say that when Master Tara Singh and I met the Members of the Cabinet Mission and Lord Wavell, they assured us that Sikh claim will not in any event be ignored. The Viceroy was instructed

accordingly to get in touch with the leaders of the political parties to see that Sikh claims were met. On my pointing out that Lord Wavell may not be here, Lord Pethick Lawrence said that the question of Lord Wavell remaining here hardly mattered because the meeting of Sikh case was a matter of policy that had been settled by HMG. He added that in pursuance of this policy they would instruct the Viceroy to give special attention to the demands of Sikhs. In view of all this, we are entitled to expect that the promises made to us are now fulfilled.

5. May I repeat that the main reason for the partition of the Punjab is to satisfy the Sikh demand. It follows from this that in any scheme for partition, special regard should be paid to the interests of the community and this can only be done, first, by making sure that the plan of "notional division" does not prejudice the final partition; and secondly, by making a definite reference in the terms of reference to the Boundary Commission that while partitioning the Punjab the two areas are to be so demarcated as to leave as small a number of the Sikhs as possible in Pakistan. I will add that now that you are seized of all the facts and particularly the undisguised aggressive and terrorist attitude of the Muslim League it is the Sikhs who must in equity and morally be delivered from the future domination of Muslims. It would indeed be unjust if your plans, interim or long term, were to abandon large sections of my community to the risks of bestiality and terrorism, such as you yourself have witnessed and may well recur in future.

6. After the announcement of the "notional division" of the Punjab two Interim Ministries are likely to be set up on zonal basis. The Muslim League will obviously insist that the "notional division" should be the basis of two zones. This, I must point out, will be most unjust to the Minorities in the Western zone. It will in any event jeopardise completely the work of the Boundary Commission for the simple reason that the Muslim League which will inevitably dominate this zone, will prevent fairplay and make it impossible for any part of it to be re-assigned to the Eastern zone. For the purpose of the formation of Ministries, therefore the Eastern zone must include in addition to the Divisions of Ambala and Jullundur, the three Districts of Gurdaspur, Amritsar and Lahore in the Division of Lahore for the interim period. The Headquarters of both the zonal Ministries should be at Lahore.

7. I was glad to learn from you that Mr. Jinnah was now anxious to settle with the Sikhs. I have had a number of opportunities to discuss matters with him. He has expressed the same sentiments to me as well. He, however, does not mean business and is not prepared to come to terms with us unless he can first rope the Sikhs in his Pakistan under Muslim domination. This shall not be. The Sikhs will in no circumstances agree to any discussion with Mr. Jinnah on the basis of being included in Pakistan. The stage has now come for the parting of ways and if he wants his sovereign state and HMG are disposed to concede his claim, the Sikhs must be left out of it. It is for this reason I insist that in any short or long term plan in the case of our home province every care should be taken to ensure that the Sikhs are not involved in Pakistan as a community.

8. May I draw your attention to an extremely enlightening editorial of the Tribune published this week which deals with Mr. Jinnah's claim to a share of the territory of India

on the basis of his own arguments. The analysis supports our case of the partition of the Punjab and is a complete answer to Mr. Jinnah in every respect. I enclose a cutting for ready reference.

9. I shall be grateful if Your Excellency will very kindly convey to HMG the views expressed by me on the partition of the Punjab in my recent letters as well as this.

Yours sincerely
Sd/- Baldev Singh

His Excellency Admiral Viscount Louis Mountbatten,
Viceroy of India, Viceregal Lodge, Simla.

* Vide Document no. 38.

44

Secretary of State for India to His Excellency the Viceroy.

I.O.R. M.B. 140

9th May, 1947

13. . . . I said in my last letter that I hoped to let you have my comments on your interview with the Sikhs described in paragraphs 13 and 14 of your Personal Report No.4.

14. I suppose the basic fact of the situation is that the Sikhs have an exaggerated idea of their proper status in the future set-up. No doubt this is due partly to their historical position as the rulers of the Punjab partly to the rather flattering treatment they have received from us as one of the great martial races of India and partly to the fact that they consider that they have contributed out of proportion to their numbers to the economic wealth of the Punjab. On the other hand, they are a community numbering only some 6 millions out of nearly 400 millions and in the Punjab itself they number only 4 millions among 28 millions. On any democratic basis, therefore, they must definitely be regarded as a minority (and not even as a "major" minority). Owing to the fact that in no single district of the Punjab do they constitute a majority of the population it is out of the question to meet their claims by setting up a separate Sikh State.

15. I understand that during the Cabinet Mission these considerations were put to the Sikhs in answer to their case but evidently it has all been like water off a duck's back. It was pointed out to the Sikhs, I am told, that even minimum Pakistan would include 1.5 million Sikhs and that therefore the alternatives for them were to be all together in Pakistan or divided between Pakistan and Hindustan. They were asked to say which they preferred. Their reply was that if there were Pakistan there must be Sikhistan. In short, they refused to face the facts. The Mission's plan had the great advantage from the Sikh point of view that the Sikhs would all remain within the Punjab (except those in the States). One would

have thought that the right thing for the Sikhs to have done would have been to throw their weight into getting the Cabinet Missions plan adopted and to that and to make terms with the Muslim League as to their position in Section B. There was in fact, some skirmishing between the Sikhs and the League but it never came to anything. It may be that Jinnah adopted an unduly frigid attitude, but no doubt the Sikhs also asked for far too much. The Sikhs then clamoured to be given the same right as the Muslim and General communities in the Union Constituent Assembly, i.e., a majority of Sikh Votes should be required for any decision on a major communal issue. The Mission naturally felt unable to accede to this demand. It would have given four Sikh Voters a veto on any question of this kind. The Sikhs also asked for the same right within Section B. This could not be conceded without conceding it also to the two major communities in all three Sections and it would have raised a demand for a similar right from the Depressed Classes.

16. I had not heard before if the Sikh contention that they were ruled out of voting on a major communal issue in the Union Constituent Assembly by the wording of paragraph 19(vii) of the Statement of May 16th. I do not think this is a correct reading of that Paragraph. The position of course is that decisions of the Union Constituent Assembly are by majority vote except of the where paragraph 19(vii) applies, in which case the majority must contain a majority of each of the major communities. But since on a population basis the Sikhs are entitled to four votes only, it has to be recognised that it is almost inconceivable that the Sikh votes would actually sway a decision of the Assembly.

17. There is no doubt that the Sikhs are a very dangerous element in the situation. Under your proposals they will be divided and I do not think that any subsequent adjustment of boundaries can possibly begin to satisfy the claims they put forward. I understand from Ismay that they are asking that the Lahore Division be kept out of the partition you propose pending a Boundary Commission at which Sikh claims would be considered. But Sikh claims are based not on population but on such factors as the economic position of the Sikhs in certain parts of the Punjab and religious sentiment applying to certain areas where there are Sikh shrines. Unless the Boundary Commission were told to give weight to these factors it could not do more than make marginal adjustments in the boundaries where the division by districts has included in the Muslim or Hindu areas small parts of districts in which Hindus or Sikhs or Muslims were in the majority. But if you are satisfied that a boundary commission, with terms of reference such as will help to keep the Sikhs quiet until the transfer of power, can be set up without provoking the hostility of the two major communities. I shall be very ready to support your view to my colleagues.

18. What the situation really calls for is a settlement between the Muslims and the Sikhs. Their interests are not necessarily irreconcilable and indeed have a good deal in common, as appears from the fact that they have worked together for many years under the Unionist party system in the Punjab. In this way the Sikhs would avoid being split up (which is their major interest) and the Muslims would get a larger and more viable Pakistan. But I fear the recent bloodletting has done much to destroy any chance of this, anyway for the present.

**Extract from Viceroy's 13th Miscellaneous Meeting held on
Sunday 11th MAY, 1947 (Simla)**

I.O.R. MB.125

TOP SECRET

Item I, The Punjab

His EXCELLENCY THE VICEROY recalled that Mr. Jinnah had originally claimed the whole of the Punjab in which there was a slight overall Muslim majority for Pakistan. Sikhs had then started a demand for partition and Congress had agreed to support this demand. As he understood it, this support was based on the principle that no districts in which non-Muslims predominated should go to Pakistan. Pandit Nehru agreed that this was the rough basis of Congress's support.

His Excellency the Viceroy emphasised that it would be necessary to work on the basis of Muslims and non-Muslim districts for notional partition for voting purposes. But this would not prejudice the subsequent work of a Boundary Commission. The greatest snag as he saw it was in connection with the Sikhs' vested interests. But it would be very difficult to define demarcation on these grounds. Nevertheless the Sikhs were prepared for war and it seemed that whatever was done, short of deliberately putting Muslim majority areas under Sikh control, the latter would fight. The problem was how to make a partition acceptable to all parties.

Pandit Nehru said that when Congress referred to the partition of the Punjab they had not gone into the question in any great detail. They agreed that the rough line of demarcation must be between Muslim and non-Muslim majority areas. They agreed that landed property was not on a basis which could be proceeded upon, but there were Sikh shrines in some of the predominantly Muslim areas. This point should also be borne in mind.

Sir Even Jenkins said that it would be very difficult to take this point into consideration when deciding on boundaries. He agreed that there were a number of Sikh shrines in Western Punjab but pointed out that the Sikh Holy Land was in Amritsar, which would in any case fall to the Sikhs. His Excellency the Viceroy said that the Boundary Commission could be instructed to take Sikh religious interests into consideration.

Pandit Nehru then raised the case of the Gurdaspur district, where the population was almost exactly divided between Muslim and non-Muslims. He asked whether it would not be possible to divide this district, even for the purposes of a notional partition. Sir Even Jenkins said that he did not consider that this would be possible. The Muslims were fairly equally mixed throughout the district. Nevertheless he foresaw that both Gurdaspur and Lahore districts might well be divided by the Boundary Commission.

Pandit Nehru said that another possibility would be that Hindu and Sikh representatives from Gurdaspur could vote with the representatives of Eastern Punjab and the Muslims with those of Western Punjab.

His Excellency the Viceroy said that he was in favour of making some such gesture

to the Sikhs. Perhaps a clause could be included in the Draft Announcement to that effect that any districts where the population was so evenly divided that there was less than 10% difference in the number of Muslims and non-Muslims - for example in Gurdaspur - that representatives should be divided for voting purposes as suggested by Pandit Nehru. Sir Even Jenkins said that he would agree to such a suggestion so long as the general plan was accepted by the party leaders.

His Excellency the Viceroy explained to Pandit Nehru that orders had been given for one Division less one Brigade to move from Poona to the partition area of the Punjab in time to be position before the announcement was made. He said that he considered this step to be sad but necessary. Pandit Nehru indicated assent with this latter remark.

Pandit Nehru asked Sir Even Jenkins whether he had any information that arms were being smuggled into the Punjab from abroad. Sir Even Jenkins stated that he knew of no reports of arms coming in from foreign countries. However, a certain amount had been brought in from the Frontier, and the authorities were searching freely. Pandit Nehru explained that he had received information from London concerning the buying of arms from the Continent and Iraq. He asked whether Sir Even Jenkins considered that any Indian States were playing a part in this buying of arms. Sir Even Jenkins replied that they were not doing so officially at any rate.

Pandit Nehru asked Sir Even Jenkins whether he thought that if it was sufficiently realised by the Muslim League that the grant of Pakistan was dependent upon the partition of the Punjab they would react against Pakistan. Sir Even Jenkins replied that there might be a split of a kind in the ranks of the Muslim League but he did not know how deep this would go.

His Excellency the Viceroy asked whether it was considered that there was any hope of organising transfers of population on a large scale. Sir Even Jenkins replied that he thought not.

His Excellency the Viceroy decided to pursue the suggestion that there should be a special voting procedure in Provinces for example Gurdaspur, where the population was almost equally divided between Muslims and non-Muslims. . . .

46

Muslim League's Comment on the Draft Announcement

T.P. Vol. X-463.

May 17, 1947

... I (Mr. Jinnah) have examined the copy of the "Draft Announcement" furnished to me by you a couple of days ago. As you are pressed for time and you wanted me to give you my suggestions, I have, under high pressure, complied with your wishes, especially, as I was given to understand, that you are leaving on Sunday morning. . . .

9) will be divided according to administrative districts as laid down in the

Appendix, and paragraph 9 says, "for the purpose of deciding the issue of partition, Bengal and the Punjab provinces will be divided according to administrative districts as laid down in the appendix". These appendices have not been furnished to me along with the "Draft Announcement" and this is not a satisfactory position and will convey a totally wrong impression to the public. I, however, note that paragraph 9 proceeds on to say that "for the purpose of a definitive partition of these provinces a more detailed investigation of boundary question will be needed (and) as soon as the decision involving partition has been taken for either province a Boundary Commission will be set up, the membership and terms of reference of which will be set up, the membership and terms of reference of which will be settled in consultation with those concerned. Until the report of a Boundary Commission has been put into effect the provincial boundaries indicated in the Appendix will be used". I have already said that I have not got the appendix but if the object is to ascertain contiguous majority areas of the Muslims and non-Muslims. I would press upon you to lay down clearly that: the Boundary Commission will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining contiguous majority areas of Muslims and non-Muslims down to Girdawar circles, and that similar arrangement will be made in the case of Bengal.

47

S. Baldev Singh to Lord Mountbatten

I.O.R.M.B.153

1, Bhagwan Das Road,
May 17, 1947

My dear Lord Mountbatten

You very kindly showed me the Draft Announcement yesterday. I have now received the amended draft. As I pointed out to you the first draft was quite unsatisfactory from Sikh point of view. The amended draft, if anything, is worse, because the relevant changes have obviously been made to meet the wishes of the Muslim League and ignore all I have represented on behalf of my community.

2. For instance, to say, as the amended draft does in paragraph 9 that the Boundary Commission "will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims, down to Girdawar circles", while leaving the "other factors" in the next sentence undefined, is wholly one-sided. I cannot accept this unless the phrase "down to Girdawar Circles" is omitted altogether. The next sentence should read:

"It will also be instructed to take into account other factors such as the property holdings of and land revenue paid by non-Muslims"

3. Then again, the chapter under heading "IX-The Sikhs" serves no useful purpose whatever as it stands. It should read as follow:

"HMG have given long and careful consideration to the position of the Sikhs. The partition of the Punjab if it takes place as a result of the decision of the Legislative Assembly members will have the effect of dividing the Sikhs between Muslim and non-Muslim areas but as the necessity of partition has arisen mainly on account of Sikh demand and as it is impossible to devise a scheme under which the entire Sikh community can be brought into one province, care should be taken by the Boundary Commission to ensure that as large a percentage as possible of the Sikh population in the Province is left in the Eastern Punjab."

I would very strongly urge that the paragraph in the amended draft should read as I have suggested above. In any event the paragraph as it stands in the amended draft must be omitted.

4. I would again emphasise what I have stated in my earlier letters that nothing should be done in the preliminary stages of partition to prejudice the work of the proposed Boundary Commission as you yourself have agreed in your letter No 592/90* received by me on the 5th instant. To ensure this I would suggest that the basis of the formation of Interim Ministries in the partitioned Punjab as contemplated in para 17 of the amended draft should be as proposed in my letter dated the 7th May and that the Eastern Punjab should consist of the two divisions of Ambala and Jullundur plus the three districts of Lahore, Amritsar and Gurdaspur in the Lahore Division. I am convinced that only by adopting this procedure for the interim period will the work of the Boundary Commission proceed satisfactorily in the interests of all parties concerned.

Yours sincerely
Sd/- Baldev Singh

His Excellency Admiral Lord Mountbatten,
Viceroy of India, *New Delhi*.

*Vide Document no. 38.

48

Lord Mountbatten to Sir E Jenkins

Reference R/3/1/178

File D/I
Broad Lands Archives

Secret
Personal
New Delhi
17/18th May, 1947

My dear Jenkins,

Thank you for your letter of May 15th. I sympathise greatly with you in the difficult days which you are having; and I am afraid that there is not likely to be any end to them until this announcement is out; and only then if I succeed in getting the agreement of the leaders to it. I am working very hard at this, and have hopes of succeeding before I leave for London. I fully agree with the strong measures you are taking such as the prohibition of the Jor Mela and the action against Dawn's correspondent. The collective fine on Rawalpindi District should have a sobering effect.

2. I have spoken very strongly to Baldev Singh about the way in which Tara Singh has refused to cooperate with you and Muslim leaders in trying to control disturbances, but he says that it is because Tara Singh has had his life threatened by the Muslims that he cannot agree to meet them. Baldev, Patiala and Faridkot have also promised to do all they can to keep the Sikhs peaceful.

3. I have got the Cabinet's approval to the use of maximum force at the earliest possible moment (including air bombing if necessary) if there should be any outbreaks of violence: and I shall support you up to the hilt in whatever measures you consider it necessary to take in this direction, as it is vital that the very first attempt at communal war should be utterly and ruthlessly crushed.

4. I hope to be away for less than ten days, and intend to stick to my programme of meeting the leaders on June 2nd. The points at issue in regard to the announcement are now few and none of them is vital. I do not however delude myself that even if we get agreement now it will mean plain sailing hereafter.

With best wishes,

Sd/- Mountbatten of Burma

His Excellency
Sir Even Jenkins, K.C.S.I., K.C.I.E.

49

Maharaja of Patiala to Lord Mountbatten

I.O.R.M.B. 154

Motibagh Palace,
Patiala.
18 May, 1947.

My dear Lord Mountbatten,

I am grateful to Your Excellency for inviting me to dinner on the 14th. It has been

my constant endeavour to bring about an agreement between the political parties in the country and I was glad to have this opportunity of making a further effort in that direction.

I have had long talks with Mr. Jinnah during the course of which I tried to make him realise the disastrous consequences of his demand for a division of India which, if persisted in, was bound to give rise to an irrefutable claim for the partition of the Punjab and Bengal. I expressed to him my considered view that India, if she was hopelessly divided against herself, could never attain her full political and economic stature. The Sikhs though in a numerical minority have so far been willing to integrate their own interests in the wider context of the general interests of the country. Now, however, in consequence of the unbending attitude of the Muslim League for a divided India, the Sikhs of necessity have to demand the partition of the Punjab for if the Muslims were not prepared to live as citizens of a united India and insisted on having a separate home, there could be no reason why the Sikhs should not have a separate home of their own, where a substantial majority of them could live without being dominated by any particular community. The recent communal disturbances have given a very bitter foretaste of the state of affairs to come under a Muslim dominated State of Pakistani concept. Against the existing background of large scale bloodshed and carnage, any assurance of generous terms to them under a Muslim-dominated state does not cut much ice. If the sponsors of the proposed separate Muslim State are genuine in their professions that they would accord just and equitable treatment to the minorities, they should not hesitate to accept the Sikh claim for an equitable division of the Punjab when they are themselves insisting on a division of India. Mr. Jinnah does not view with favour the proposed partition of the Punjab although this demand is a direct corollary of the claim for a separate sovereign Muslim State. The division of the Punjab undoubtedly presents difficulties and as the only alternative to it, I advised him, to consider whether a united India, where the rights and interests of the minorities would be guaranteed by the Constitution should not be more acceptable. I, however, regret to say that I found Mr. Jinnah uncompromising and adamant.

I also invited Mr. Jinnah to exert his influence to preserve peace in the country and to avoid further trouble when the expected announcement is made. He expressed himself against bloodshed and violence but added that the Muslim reactions will greatly depend on the nature of the announcement to be made.

I have also had detailed talks with Sikh leaders on the subject. They affirm that the trouble in the Punjab and the N.W.F.P. was fomented by the incendiary League propaganda and that they themselves were strongly opposed to communal disturbances which were paralysing the economic and civic life of the Province. The nature of the announcement to be made will naturally determine their attitude as well. In the existing conditions, the Sikhs consider the division of the Punjab essential and any division of the Province which does not take into consideration the rights of the Sikh community in respect of their landed property, other assets, their holy shrines, and does not secure for the major part of the Sikh community a national home, is likely to provoke stiff opposition.

Your Excellency is aware of the vital interests the Sikhs as a community have in the Punjab and their special importance which is not to be judged by their numerical strength and which has been recognised from time to time by His Majesty's Government. It will, indeed, be most unfair to both the Sikhs and the Hindus if a division of the Punjab is made merely on the basis of the incidence of population by ignoring all other factors such as the relative share of the various communities in the national assets, their relative contribution

of the prosperity of the Province and the desirability of making the divided units self-contained. In drawing a boundary line, it has to be borne in mind that the non-Muslims possess no less than about 65% of the urban property in the Punjab: that the Sikh community in particular possess lands in the canal colony areas of Montgomery worth crores and crores: that the income in those areas far exceeded the income that could at all accrue to them from an equivalent area of land in the Eastern Punjab even if such exchanges were a practicable possibility; that the yield of food-grain crops in the Western Punjab was several times more than that in the Eastern districts: that the canal irrigation system was mainly centred in the Western Punjab, and that above all even on the population basis, the Sikhs would under all circumstances demand that a very large proportion of their population should be included in the partitioned Punjab on their side.

The feelings amongst the Sikh community undoubtedly continue to be tense and there is a complaint that some of the authorities in the Punjab have openly followed a pro-Muslim policy. I shall maintain close contacts with the Sikh opinion and shall do my best to avert trouble so far as the Sikh are concerned. In the meantime, it will be helpful if effective measures are taken in the Punjab to remove the suspicion that the balance has been tilted against the minorities because of the partisanship of some of the Civil and Police employees of the Punjab Government.

I know how keenly His Majesty's Government and Your Excellency are interested in the emergence of a strong, friendly and united India - an India that would have an honourable place in the committee of nations. I feel it is still not too late to arrest the disruptive tendencies and to transfer power to a Union of India. Should, however, it be found necessary to transfer power to a divided India, I hope that Your Excellency and His Majesty's Government would give due consideration to the legitimate rights of the Sikhs community and would arrange for a division of the Punjab on a basis which may be fair and just to the Sikhs.*

Yours sincerely,

* Maharaja Yadvindra Singh of Patiala has given details of his talk with Mr. Jinnah in his article "I Remember Jinnah's offer of Sikh state." published in the Tribune Ambala date July 19, 1959. The extracts from the article are reproduced below:—

I had been asked by Lord Mountbatten, who was then the Viceroy, to have dinner with Mr. Jinnah. He said he would also get Mr. Jinnah and Mr. Liaquat Ali to talk over matters. The dinner was to be private. Lord Mountbatten very kindly sent me his aeroplane to Ambala. I was up in Chail then. I motored down.

... We had a drink and went in to dine. The talk started, and offers were made by Mr. Jinnah for practically everything under the sun if I would agree to his plan. There were two aspects. One was based on the idea of a Rajasthan and the other one for a separate Sikh State-Punjab minus one or two districts in the south. I had prolonged talks with Master Tara Singh, Giani Kartar Singh and other Sikh leaders, and all the negotiations on behalf of the Sikhs were within my knowledge. Indeed, in some ways I had quite a deal to do with them. I told Mr. Jinnah that I could not accept either of his two proposals, and told him a lot of what was in my mind. Liaquat Ali and Begum Liaquat Ali were most charming to me, and went out of their way to offer, on behalf of the Muslim League, everything conceivable. I was to be the Head of this new Sikh State, the same as in Patiala. The Sikhs would have their own army and so on.

All these things sounded most attractive, but I could not accept them as being practical, and neither could I in the mood that I was in, change my convictions. The talks lasted till well past midnight. Lord Mountbatten was a patient listener, occasionally taking part. He eventually said that perhaps Mr. Jinnah and I could meet again soon at some convenient date.

Two days later, I was asked by Mr. Jinnah to have tea with him. I accepted and went and had tea at his

residence in New Delhi. He was living in a house in Aurangzeb Road. Miss Jinnah was present, and she gave us some very excellent tea. After about half an hour Mr. Liaquat Ali entered, and discussions began again very much on the same lines as those we had two nights ago. We again parted unchanged in our own points of view.

H.S. Malik (ex-Prime Minister of Patiala state) has left an account of his talk with Mr. Jinnah and Liaquat Ali Khan which is preserved in Oral History Cell (file no 77) Department of Punjab Historical Studies, Punjabi University, Patiala. The question was asked by the writer of these lines (Editor) and his reply is reproduced below:—

Question: You accompanied the Sikh leaders for negotiation with Mr. Jinnah and Liaquat Ali Khan. Could you throw some light on it. Why did it fail?

Answer: "You see at that time Pakistan's formation had not been conceded. Jinnah was very anxious to win over the Sikhs and he sent a message to the Maharaja of Patiala asking him for a meeting. The Maharaja consulted me and I said "By all means have a meeting, but let him come to see you, Why should you go to see him. He has something to ask from you. He should come to see you."

"So we sent that message to Jinnah and the reply came that Mr. Jinnah could not do that but we could meet at some neutral place. We agreed and finally met at my brother's house 4, Bhagwandas Road, at New Delhi. Present at the meeting were Jinnah himself, Maharaja Patiala, myself, Master Tara Singh and Giani Kartar Singh. I was the spokesman for the Sikhs.

"Jinnah started by saying that he was very anxious to have the Sikhs agree to Pakistan and he was prepared to give them everything that they wanted, if they would accept Pakistan. I said to him, "Mr. Jinnah you are being very generous but we would like to know exactly what our position will be. You will have a Government, you will have a Parliament and you will have Defence forces, what part will the Sikhs have in all these. His reply was "Mr. Malik, Are you familiar with what happened in Egypt? I will deal with the Sikhs as Zaghul Pasha dealt with the Copts (the Christian minority) when Egypt became independent." He then went on to tell us the story. According to Jinnah, the Copts when they first met Zaghul Pasha put forward certain demands. After listening to them he advised them to go back, think over the whole thing over and come to see him again with a paper incorporating all their demands. They did this. Zaghul Pasha took the paper from them and without reading it wrote on it "I agree." Mr. Jinnah added "That is what I will do with the Sikhs."

"This put us in an awkward position. We were determined not to accept Pakistan under any circumstances and here was the Muslim Leader offering us everything. What to do?

"Then I had an inspiration and I said, "Mr. Jinnah, you are being very generous. But, supposing, God forbid, you are no longer there when the time comes to implement your promises? What guarantee have we that your successors will carry out these promises?" "His reply was astounding and in fact convinced me that he was going mad, which in fact did happen before he died. He said, "My friend, my word in Pakistan will be like the word of God. No one will go back on it."

There was nothing to be said after this and the meeting ended.

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Viceroy's Report No. 8

Public Record office London

CAB127/111

XCA 04623/
May 23, 1947

23. I made it very clear to the Maharaja (of Patiala) that I was only making a notional partition for purposes of voting, and that if partition were decided upon by vote, then a boundary commission would have to be set up composed of all interested parties, to try and

arrive at a sensible boundary. I told him the origin of the partition request, which was that Congress wished me to take steps to ensure that no areas in which there is a non-Muslim majority should be put into Pakistan. I pointed out that there were only 12 out of 29 districts in which there was a non-Muslim majority, I drew his attention to the fact that there was not one single district in which the Sikhs had an over-all majority, and that in no case did any of the 17 districts proposed for West Punjab have even a Hindu/Sikh majority.

24. Patiala (and the next day Baldev Singh) appealed to me to make the partition line on the basis of Sikh landed property, Sikh sacred buildings and Sikh interests. I told him that world opinion would undoubtedly be against any attempt to put Muslim majority populations of the West Punjab under Sikh/Hindu/Congress domination merely on ownership of land and religious grounds.

25. Patiala was rather worried, for, he said, "In that case I greatly fear the Sikhs will fight." I replied. "If they do, Maharaja Sahib, they will have to fight the Central Government for I and my Government are determined to put down any attempts at communal war with a ruthless iron hand: they will be opposed not only by tanks and armoured cars and artillery, but they will be bombed and machine-gunned from the air. You can tell your Sikhs that if they start a war they will not be fighting the Muslim League, but the whole might of the armed forces." The Maharaja was visibly shaken and promised to report this to the Sikh leaders.

26. The next day in Cabinet, I raised the question of further aggression by Muslims, Sikhs or Hindus in any part of India. I asked if the Cabinet would support me to the hilt in putting down the first signs of communal war with overwhelming force, and if they agreed that we should also bomb and machine gun them from the air, and thus prove conclusively that communal war was not going to pay. This proposed policy was acclaimed with real enthusiasm by the Congress and Muslim League members alike, and when I looked across at the Defence Member, Baldev Singh, and said, "Are you with me in this policy," he replied "Most emphatically Yes."

27. I am quite certain that unless the communal war which is now being built up is stopped in the first round, the whole of the north India may flare up. I have told Jenkins and his acting General Officer Commanding, Major General Bruce, and Lieutenant General Sir Arthur Smith, the acting Commander-in-Chief, to prepare plans for moving in additional forces into the Punjab along the disputed territory between the Ravi and the Sutlej, in good time before the announcement of the voting on partition; I have also warned them to stand by on the North West Frontier; and have given Burrows the same warning for Bengal.

S. Baldev Singh to Lord Mountbatten

IOR MB 157 157

3rd June, 1947

TOP SECRET
V.C.P.65

***SIKH RE-ACTIONS TO H.M.G.'s
STATEMENT***

Attached is a letter received by The Viceroy from the Sikh Leaders on the morning of 3rd June, 1947.

VICEROY'S HOUSE
NEW DELHI

Sd/-
Lieutenant Colonel
Conference Secretary

Secret

1 Bhagwan Das Road
New Delhi
2nd June, 1947

Dear Lord Mountbatten,

I have discussed with Sikh leaders the Statement which HMG propose to make tomorrow, a copy of which you were good enough to give me at this morning's Conference.

The proposals in the Statement are of far-reaching character, envisaging the possibility of a division of India into two sovereign States in both of which the Sikhs will have vital stakes. As you know, we as a community have always stood for a United India and all we have desired is that our particular interests should be adequately safeguarded. The plan now made implies that a substantial part of our community may go to the Muslim dominated area, where a sovereign State based ostensibly on Islamic principles is likely to be established as conceived by the spokesman of the Muslim League. The Sikhs have been unable to obtain any coherent and acceptable guarantee of their security in such a set-up and are therefore unable to contemplate being forced into it against their will. I have made this clear to you. Recent happenings in the Western Punjab have further proved that we can expect no security whatever under Muslim domination.

You will therefore appreciate the anxiety of my community and their demand that in the event of the division of India as contemplated, the plan must be so devised as to ensure that Sikhs as a community are not subjected to irreparable injury.

I must say that judged by this simple test the plan as it stands is far from satisfactory. My Sikh friends and I, however, do appreciate that the principle of the partition of the Punjab

has been accepted and the anxiety you have expressed to help the community. There are certain matters in this connection which I consider it my duty to bring to your notice. These are:—

- i) In para 9, the last sentence of which reads: "Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the appendix will be used" it is not clear what this refers to and in what respects this boundary is to be used. In this connection you will remember that in my previous letters, I have insisted that nothing should be done to prejudice our case before the Boundary Commission. My fear was that the proposed notional division would prejudice the final partition of the Province. I now see, it has been made clear that the notional division is purely a temporary arrangement. If, however, it is used for setting up of Interim Ministries it will embitter communal relations and prove highly injurious to us, as I have already explained. Such interim Ministries functioning at the time when the Boundary Commission is also making its enquiries will make a fair examinations of our case impossible. It is imperative, therefore, that till such time as the Boundary Commission has finished its work, no Interim Ministries in either part of the Punjab should be formed. If, however, it is considered expedient to form Interim Ministries, the Eastern Punjab should have in addition to the Divisions of Ambala and Jullundur, the three districts of Amritsar, Gurdaspur and Lahore in the Lahore Division.
- ii) The plan suggests that the Boundary Commission will take "other factors" into consideration when making its enquiries. This is far too vague. It should be made clear that these other factors include exchange of population with property and the basis of land revenue paid by non-Muslims. Special note should also be taken of the religious and cultural institutions of the Sikhs and the historic role played by them in the Punjab.
- iii) As the partition of the Province has been necessitated to meet the Sikh demand clear instructions should be given to the Boundary Commission to ensure that as large a percentage of Sikh population as possible is included in the Eastern Punjab.

I should like to bring to your notice that though assurances have been given to us that we shall have equal rights with the two other major communities for the safeguard of our communal rights and privileges, nothing tangible has so far been done to give effect to these assurances. Our community is now in danger of being riven in two. We have so far not been assured equal rights with others in either the existing or the proposed new Constituent Assembly. We request you to see that this is done.

You mentioned during the Conference that in the interests of India, the Cabinet Delegation Plan of May 16, 1946, was still the best solution. You know the conditions on which the Sikhs provisionally accepted the plan and joined the Constituent Assembly. If the major parties now revert to this Plan, the Sikhs will be prepared to accept it only if they are given the same right in communal matters as has been accorded to the other two major communities.

Finally, my Sikh friends and I accept the principle of division as laid down in the Plan with the hope that in order to make it fully acceptable to my community, care will be taken to meet the views expressed in this letter when framing the terms of reference for the

Boundary Commission.

Assuring you of my endeavour to help you in solving the difficult problems,

I remain
Yours sincerely
Sgd. Baldev Singh

His Excellency Admiral Lord Mountbatten

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Viscount Mountbatten's Broadcast on the All-India Radio

IOR R/3/1/150

3rd June, 1947, 7.00 pm

A Statement will be read to you tonight giving the final decision of His Majesty's Government as to the method by which power will be transferred from British to Indian hands. But before this happens, I want to give a personal message to the people of India, as well as a short account of the discussion which I have held with the leaders of the political parties and which have led to the advice I tendered to His Majesty's Government during my recent visit to London.

Since my arrival in India at the end of March I have spent almost everyday in consultation with as many of the leaders and representatives of as many communities and interests as possible. I wish to say how grateful I am for all the information and helpful advice they have given me.

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of good-will between the communities, a united India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency; an absence of tariffs and customs barriers, and the basis for an integrated political economy. My great hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore, to urge the political leaders to accept unreservedly the Cabinet Mission Plan of 16th May 1946. In my opinion that Plan provides the best arrangement that can be devised to meet the interests of all the communities of India.

To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority, to live against their will under a Government in which another community has a majority and the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, the Congress used the

same arguments for demanding, in that event, the partition of certain provinces. To my mind this argument is unassailable. In fact, neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of provinces as I am to the partition of India herself and for the same basic reasons.

For just as I feel there is an Indian consciousness which should transcend communal differences so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their Provinces.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two Governments is set out in the Statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented.

The whole plan may not be perfect; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power, the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly, if partition were decided on. Whereas if we handed over power before the Constituent Assemblies had finished their work, we would leave the country without a Constitution. The solution to this dilemma, which I put forward, is that His Majesty's Government should transfer power now to one or two Governments of British India, each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session. As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up to conduct future relations between His Majesty's Government and India.

I wish to emphasise that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member States of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible, and at the same time leave

it to the people of British India to decide for themselves on their future, which is declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering, much less for the continuation in any shape or form of the disorders and lawlessness of the past few months. Do not forget what a narrow margin of food we are all working on. We cannot afford any toleration of violence. All of us agreed on that.

Whichever way the decision of the Indian people may go I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.

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Statement by His Majesty's Government Dated the 3rd June 1947

Partition Proceedings, Vol. VI, p.1-6

Introduction

1. On February 20, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June, 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties.

In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; This is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

The Issue to be Decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that Provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed:

- (a) in the existing Constituent Assembly; or
- (b) in a new and separate Constituent Assembly of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine authority or authorities to whom power should be transferred.

Bengal and the Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining population of the districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the province should be partitioned. If a simple majority of either part decided in favour of partition, division will take place and arrangements, will be made accordingly.

7. Before the question as to the partition is decided it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held

a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purpose of a final partition of these Provinces a detailed investigation of boundary question will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternative mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives

in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriate be done.

Assam

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that it should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceeding of the existing Constituent Assembly.

Representation in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned it will be necessary to hold elections to choose their representatives on the scale of one for every million of population; according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:-

Province	General	Muslims	Sikhs	Total
Sylhet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

4. Administrative Matters

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon:—

- (a) Between the representatives of respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.
- (b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.
- (c) In the case of Provinces that may be partitioned, as to the administration for all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, Provincial institutions, etc.

The Tribes of the North-West Frontier

17. Agreement with tribes of the North -West Frontier of India will have to be negotiated by the appropriate successor authority.

The States

18. His Majesty's Government to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories: they will of course be free to frame their own rules.

Immediate Transfer of Power

20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June, 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly as the most expeditious and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudiced to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

Further Announcement by Governor-General

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

Appendix

5. The Muslim majority districts of Punjab and Bengal according to 1941 census:-

1-The Punjab

Lahore Division - Gujranwala, Gurdaspur, Lahore Sheikhpura, Sialkot.

Rawalpindi Division- Attock, Gujrat, Mianwali, Rawalpindi, Shahpur, Jhelum.

Multan Division - Dera Ghazi Khan, Jhelum, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2-Bengal

Chittagong Division - Chittagong, Noakhali, Tippera.

Dacca Division - Bakarganj, Dacca, Faridpur, Mymensing.

Presidency Division - Jessore, Musrshidabad, Nadia,

Rajashahi Division - Bogra, Dinajpur, Malda, Pahna, Rajashahi, Rangpur.

Firm Action to Suppress Lawlessness *Civil Military Gazette, Lahore, June 3, 1947.*

Major-General J.C. Bruce, Commander of Lahore area, declared at a Press Conference on Monday: "If we have to take action to suppress lawlessness we will take firm action."

General Bruce said: "as a military Commander, I can assure you that wisdom and goodwill will guide the Indian leaders along the path which will result in a peaceful solution. I can assure you that the military have no desire in quelling the disturbances that arises from political dissension.

"If, unfortunately, disturbances do arise, I think with the forces at our command we are well placed in dealing with them."

General Bruce expressed the belief that, if called upon to suppress lawlessness, the military would have the sympathy and support of all rightminded citizens who abhor murder and wanton destruction.

The vast majority of law abiding people he said, wanted nothing more than peace. They were sick of the killing and the destruction that had been going on, leaving behind except misery and ruins and what was worse.

"I very much hope," Gen. Bruce stated, "that the reinforcements of troops will give the people confidence and some satisfaction."

Earlier, General Bruce said that for the purpose of military arrangements the Punjab had been divided into three areas. These were: the Rawalpindi Civil Division under the command of Maj. General Lovett; Lahore and Multan Civil Division plus the Civil districts of Kangra and Ferozepore, under the command of Maj. General Bruce; and the Ambala Civil Division minus Gurgaon district under the command of Maj. General, Reaes. Gurgaon district had been attached to Delhi Command.

These areas would be presided over by the G.O.O. -in-C., Northern Command, Lieut-General Sir Frank Masservy, who will have his tactical headquarters at Government House, Lahore.

Total Strength

General Bruce explained that the newly-created military areas were equivalent to three divisional headquarters and eight brigade headquarters.

"The total strength of the military in these centres, General Bruce revealed, "is approximately three regiments of armoured corps, six regiments of artillery, 27 battalions of infantry as well as due proportion of engineers, signals, medical supply and transport units. In addition, there are a number of composite companies in regimental centres and they are emergencies, protective and other duties. Further we have available aircraft for co-operation with army forces.

"We are arranging for substantial forces, in some cases with, tanks and artillery as well to replace at very important, centres such as Ferozepore, and Lyallpur, we have smaller but adequate number of forces placed in readiness. All military dispositions had been planned in closest consultations with the civil authorities in the maintenance of, and if necessary, for restoration of law and order."

Additional troops have been brought into the Punjab so that the army will be well placed to give rapid aid to the Civil authorities arise from the forthcoming announcement upon the future constitution of India; says a Special Order of the Day issued by Major-General J.C. Bruce, Commander of Lahore Area.

"Every officer, Warrant officer, N.C.O. and man must be quite clear as to the army task in maintaining or restoring law and order whether it be in the town or countryside," the order continues.

"The army is not an inferior organisation, we do not take sides, we do not fight for one community against another. Unfortunately in all countries and amongst all communities there are wicked and selfishmen who are only too ready to stir up trouble and to seek

personal gain from the misery of others. Their methods are unscrupulous and brutal and if they are allowed to gain the upper hand, their work results in chaos.

"The enemies against which we have now to be prepared to operate, are, therefore, brutality and chaos in whatever form these threats may, present themselves and I am confident that all ranks will not only recognise their clear duty in this respect, but will be proud to show once again that the forces of goodwill and sound commonsense always prevail.

"I quote for your guidance some words the G.O.C.I-Chief, Northern Command recently issued a message of the Indian Armies serving in Northern Command:

"When you see fellow countrymen perhaps even your own friends or relations, either the victims of brutal assaults, or else, guided by thoughtless or evil agitation into unworthy acts or violence, you must not give way to your personal feeling for one moment. You must remember that you are on the spot as the impartial instrument of justice and truth, and will your actions must be disciplined accordingly.

'You must not arson, loot and murder. You must restrain the evil doers. You must protect and secure those who have suffered or are in danger. You must not be overcome by any desire for revenge. In this way you will win the confidence and support of all decent and up right people of all communities. In this way you will have shown yourself a worthy member of the great Indian Army to which you belong and will have up-held the novel tradition of your unit.'

"If you all bear these words in mind and act upon them, we shall be able to regard the days ahead of us with confidence and proceed together to our task, knowing that we shall be winning afresh the support and gratitude of the vast majority of the people."

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Press Conference By Lord Mountbatten

Reproduction of some Answers given at Press Conference held by Lord Mountbatten on June 4, 1947

Partition of Punjab Vol. I, Lahore - 1983, p.XXXII, 17-25.

At his press conference of June 4, 1947, Mountbatten was asked why he had, in his broadcast of the previous evening on the June 3 Partition Plan, categorically sated that "the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted." Mountbatten immediately replied, "I put that in for the simple reason that in the district of Gurdaspur in the Punjab the population is 50.4 per cent Muslims, I think, and 49.6 percent non-Muslims. With a difference of 0.8 per cent you will see at once that it is unlikely that the Boundary Commission will throw the whole of the district into the Muslim majority areas."

- Q Will it be open to any Province which may be participating in either Constituent Assembly to feel free, after the Constitution is formed to vote itself out of one union and join the other or join neither?

- A. The answer is that after discussing this particular point with the leaders of both the parties I find that the leaders do not wish to have any other option than to join one or the other of the Constitution Assemblies for the good and sufficient reason that they do not wish this plan to encourage what I might call 'Balkanization'.
- Q. The question is how to keep the integrity of the Sikh community intact. What is the provision that you have made in this plan to keep the integrity of the Sikh people intact?
- A. I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the Resolution in the form they wanted. They wanted the Punjab to be divided into predominantly Muslim and non Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs, I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician. I am an ordinary human being. I believe that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision on anyone. It is upto the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition.
- Q. How is it that in the case of Bengal and Punjab the legislators have been asked to decide which constituent assembly they should join, but a different procedure has been proposed in the case of the N.W.F.P. where the electors will have to decide the issue?
- A. The reason for that is contained in the paragraph which has been appropriately worded and in addition to that please remember that in the case of the N.W.F.P. there is the heaviest weightage for the minority community which is not to be found in any other province of India. So much so that out of fifty six seats, twelve or thirteen have been given to the minorities, although they represent only something like five per cent. In fact, you have got a weightage of four times the number of minorities. That is one reason. The other reason is that it is a perfectly straight-forward referendum on this particular question.
- Q. If Communal strife in provinces does not subside in spite of His Majesty's Government's announcement of their plan and Your Excellency's appeal to the people of India, will your Excellency allow the centre to intervene for quelling the disturbance?
- A. I have already discussed this. With the knowledge of the Home Member I am in a position to tell you that there has been a unanimous decision in the Cabinet that we shall not allow any more violence or strife. Sardar Baldev Singh broadcast as Defence Member on that point yesterday. There have been many times when there have been more troops. Now we know the bad spots and there the troops are being sent. The Centre has therefore, already intervened in the most effective way possible by passing a unanimous decision in the Interim Government not to tolerate any more violence.

Chapter II

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Administrative Consequences of Partition

Case No. 137/30/47
Partition Proceedings Vol.IV, p.10-13.
(June 5, 1947)

His Excellency said that he wished to explain the reasons that prompted him to discuss the paper on the administrative consequences of partition at his meeting this morning with the seven Indian leaders before putting it to his colleagues. Speed was of the essence since the target date fixed was the 15th August both for putting through the parliamentary legislation and for the work that had to be done here, and he thought it would help in setting up the requisite machinery with the utmost expedition, if he could ascertain the views of the leaders, five of whom were, in any case, members of the Cabinet. It was almost certain that the vote in the Provincial Legislatures would be for Pakistan. Consequently, we should very soon have two sovereign Governments in existence. The only bodies which at present could be said to represent them were the Congress and the League. He had, therefore, felt that there were good and sufficient reasons for including the respective Presidents of those organisations in those discussions. He had now taken, the earliest opportunity of placing before the Cabinet the paper prepared by his staff on the administrative consequences of partition as revised in the light of those talks.

.... Summing up, His Excellency said that we were dealing with an unprecedented problem. We had only 71 days in which we had to solve it. He would put the procedure which appeared generally to be agreed upon before the leaders tomorrow for their acceptance.

DECISION

The Cabinet agreed:

- (1) That a Committee of the Cabinet should be appointed with H.E. the Viceroy as Chairman to work out the machinery for implementing the partition (and that H.E. should consult the leaders informally regarding its composition);
- (2) that the Committee's report should be completed as early as possible and placed before the Cabinet for consideration (and that H.E. should, if possible, obtain the leaders reaction to it before hand);
- (3) that when the question of partition had been legally decided, and after the members of the existing Cabinet had resigned, a Separation Committee should be set up by His Excellency in consultation with the leaders, with H.E. as Chairman. It was noted that

- H.E. would not act as arbitrator in this Committee but would merely assist in resolving differences between the two parties or at least in reducing them to the minimum:
- (4) that there should be set up along with the Separation Committee a standing tribunal or a panel of umpires to whom points of differences, which could not be resolved could be referred.
 - (5) the material collected by the Cabinet Committee and details of the machinery set up will be placed before the Partition Committee for ratification.

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Sir Penderal Moon to Master Sujan Singh

I.O.R. MSS Eur. F 189/18-19

Bahawalpur
June 8th, 1947.

Dear Master Sujan Singh

I am very troubled by the prospect which is looming ahead of us in the Punjab but I believe it is now possible for the Sikh Leaders to take steps which will avert wide-spread and perhaps chronic disorder and turmoil; and I believe also that the interests in the Sikh Community lie in their taking these steps. This explains why I am writing to you again after so many months.

Broadly speaking, I would like to suggest that the time has now at last come for the Sikh Community definitely to throw in their lot with their brethren in the Punjab and take their place in the new Dominion or State of Pakistan. The present proposals for the partition of the Punjab imply that the Eastern portion will go to Hindustan and the Western portion to Pakistan. A partition of the Punjab leading to these groupings of its two halves will, I am certain, be fatal not only to the peace and good order of the Punjab itself but also to the Sikh Community. A boundary line could hardly be further west than the Beas. Assuming that it is along the Beas with Amritsar District also included in the Eastern Punjab nearly half the Sikh Community will be left on the wrong side of the line. It is quite certain that if the Sikhs insist on Eastern Punjab joining Hindustan the Muslim will treat the Sikh Minority in the Western Punjab little better than sweepers. Owing to the close inter-mingling of the populations this will tend to set up strife in the two halves of the Punjab which will probably spread and spread till gradually the whole of Northern India is involved in turmoil and there may well be 50 to 100 years of anarchy such as we have been seeing in China during our life time.

Personally, I believe that the very attempt to draw a boundary line between Hindustan and Pakistan somewhere right in the middle of Lahore or Jullundur Divisions will itself produce such strife that the conditions prevailing for the last two months in the Punjab will be aggravated and indefinitely prolonged.

What would come out of all this strife cannot be predicted; but no rational and humane leader should precipitate such conditions gambling on the possibility that out of the blind clash of disorganized forces his community may be the gainer. Communities do not rise or

flourish as a result of gambling leadership such as this.

I would like, therefore, to recommend most earnestly to you and to other Sikh friends that you should now come to terms with the Muslims on the understanding that the Sikh Community as a whole will throw in their lot with Pakistan. In return for this the Muslims will, I believe, be prepared to make to the Sikh Community considerable concessions so that they will be able to feel that their place in the Pakistan State is quite secure. Now is your time to reach a "Samjhota" with the Muslims for they know the disadvantages of a "truncated" Pakistan. There is no reason why you should not secure from them:--

- (1) a separate Sikh unit of Eastern Pakistan with rights in respect of the Pakistan Central Government equal to any other Unit e.g. Sind or Western Punjab.
- (2) Special privileges for the Sikh Minority in the Western Punjab.
- (3) Special Privileges for the Sikhs in the Pakistan as a whole.

If the Sikhs take this course they will become far and away the most important minority in the Pakistan and it will be to the Muslims own interest to make them happy, secure and contented. Furthermore, it is, probable that for some year Pakistan will remain a Dominion of the British Commonwealth. This would give the Sikhs a certain amount of added security.

It is also probable that in the course of time the initial cold relations between Hindustan and Pakistan will become closer and warmer. Geography past history and economic factors will tend to draw the two parts of India together, and when this happens the Sikhs position will be still further safeguarded.

I know what I have written runs counter to the policy which the Sikhs have been following for the last few months, but it is absurd to blind yourselves to the fact that the real interests of the Sikh community lie with North-West India rather than with Hindustan. The latest proposals of HMG have put you in a strong bargaining position which should enable you to take your rightful place in the future set up of India with the maximum security. Don't let the opportunity slip. This is the moment to come to terms with the League.

I feel so strongly on this subject that I would very much like to have an opportunity of discussing it with you, Master Tara Singh and others.

I tried to contact Giani Kartar Singh recently, but could not do so. I would gladly run up to Lahore if you could arrange a meeting either there or in Amritsar. June 12th, 13th or the 23rd would be the most convenient dates for me, but I would some how or other arrange to come on any day that would suit you and others.

Please excuse this long letter, but these are important matters. I do beg you to consider them.

With kind regards. I hope all goes well at Sirhali in spite of all the trouble in Amritsar.

Yours sincerely,

Master Sujan Singh Sirhali
Distt. Amritsar

* This letter is not signed. But indication of Bahawalpur on its top and views expressed and handwriting of corrections at a few places leaves no doubt that it was written by Sir Penderal Moon I.C.S. (died in 1987) In this connection see Document No.73, 76, Editor.

**Resolution of the All-India Muslim League (Passed on Monday, 9th June 1947).
Acceptance of 3rd June Plan by League**

Partition Proceeding Vol. I p.8

The Council of the All-India Muslim League after full deliberation and consideration of the Statement of His Majesty's Government dated the 3rd of June, 1947, laying down the plan of transfer of power to the people of India, notes with satisfaction that the Cabinet Mission's Plan of May 16th, 1946 will not be proceeded with and has been abandoned. The only course open is the partition of India as now proposed in H.M.G.'s Statement of the 3rd June.

The Council of the All India Muslim League is of the opinion that the only solution of India's problem is to divide India into two - Pakistan and Hindustan. On that basis, the Council has given its most earnest attention and consideration to H.M.G.'s Statement. The Council is of the opinion that although it cannot agree to the partition of Bengal and the Punjab or give its consent to such partition, it has to consider H.M.G.'s plan for the transfer of power as a whole.

The Council therefore hereby resolves to give full authority to the President of the All India Muslim League, Qaid-e-Azam M.A. Jinnah to accept the fundamental principles of the Plan as a compromise and to leave it to him with full authority, to work out all the details of the Plan in an equitable and just manner with regard to carrying out the complete division of India on the basis and fundamental principles embodied in H.M.G.'s Plan including Defence, Finance, Communications, etc.

The Council further empowers the President, Qaid-e-Azam M.A. Jinnah to take all steps and decisions which may be necessary in connection with and relating to the Plan.

Sir E Jenkins to Lord Mountbatten

Reference: IOR R/3/1/177

*D.O.No. 680
11 June 1947.*

Dear Lord Mountbatten,

Abbott sent to Abell, with his letter No. GS 334, of 9th June a copy of correspondence between Mamdot and myself about the official machinery which I am setting up to deal with the partition of the Punjab.

I now enclose a copy of a further letter, dated the 10th June, from Mamdot which I have not yet acknowledged. Mamdot's intention is clearly to insist on the formation of

committees consisting of officials selected by the political parties without reference to their seniority, experience and professional competence. During the past two years the services in the Punjab have been demoralised by the political parties and are full of party supporters and party spies.

I believe that the arrangement suggested by Mamdot would be politically almost impossible. The Muslims, Hindus and Sikhs will all wish to include their party nominees and I cannot conceive that the committees would work smoothly or produce intelligible results.

Administratively the arrangement would be disastrous and I think it right to inform Your Excellency that unless Mamdot modifies his attitude I may have to decline further responsibility for the Punjab affairs and to recommend the immediate release of civil servants who do not wish to remain in the Punjab under the new regime. I could certainly not preside over or assist in arrangements which implied a lack of confidence in civil servants whether Indian or British who are in my judgement competent to produce the factual studies required and whose integrity is not open to question.

Mamdot and Sawarn Singh are both in Delhi and I do not know when they are returning. I cannot make any progress until the local leaders are present in Lahore. But I shall have to take Mamdot on almost at once on this issue and I have no intention of giving way on it.

Yours sincerely
Sd/- E.M. Jenkins

His Excellency Rear Admiral
the Viscount Mountbatten of Burma KG, PC, GMSI, GMIE, GOVO, KCB, DSO,
Viceroy and Governor-General of India, New Delhi.

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**Minutes of the Second Meeting of Special Committee of the Cabinet
held on 12h June 1947**

Partition Proceedings Vol.IV, p.19-20.

1. Procedure regarding Partition in the Province

It was noted that both in the Punjab and in Bengal various committees had been set up by the provincial governments. It was agreed that the machinery for partition in the Provinces should be generally on the lines of the machinery for partition at the Centre. There too the various Committees etc. should have been set up in consultation with the leaders of the principal parties concerned. His Excellency said that he would inform the Governors of the Punjab and Bengal to review the machinery already set up in consultations with the leaders and make such alterations, or modifications as may be necessary. His Excellency further directed that Provinces should be kept informed of action taken in regard to partition at the Centre.

2. *Machinery for Implementing the Partition*

The Committee considered the paper on the machinery for implementing the partition.

The Committee agreed-

- (1) that for the present the Steering Committee should consist of two officials.
- (2) that Messrs. H.M. Patel and Mohammad Ali should be nominated as members of the Committee.
- (3) that its terms of reference should be to ensure,
 - (a) that concrete proposals are evolved in time by the Expert Committees,
 - (b) that these proposals adequately dovetail with each other and form a comprehensive whole.
 - (c) that the recommendations of the various Expert Committees are presented to the Partition Council in a suitable form, and
 - (d) that the decisions reached are implemented in time.

The Committee directed further that

- (i) subject to the terms of reference that it might lay down for each of the Expert Committee the Steering Committee may provide day to day guidance, advice and direction to them, and
- (ii) the members of the Steering Committee should keep in close touch with the members of the Cabinet Committee (and later the Partition Council when it is set up).

The Committee directed that the Steering Committee should in consultation with the various Departments concerned make recommendations in regard to

- (a) the various Expert Committees which should be set up.
- (b) the terms of reference of each Expert Committee, and
- (c) the personnel of each expert Committee.

The Committee approved of the following provisional basis for the division of officers and staffs, namely every Government servant would be given the opportunity to select the Government he wished to serve. If in any case during a transition period a different arrangement is necessary, specific orders of the Cabinet Committee (later Partition Council) would be obtained on the basis of the recommendations of the relevant Expert Committee.

The Committee also agreed that every reasonable assistance should be given for the training of Muslim officers in the work of departments of which no Muslim officer had any knowledge.

Sikhs Demand Transfer of Population and Property

Civil and Military Gazette, Lahore
Dated June 15, 1947

NEW DELHI, June 14, -- The following resolution has been passed by the joint meeting of the Panthic Assembly Party, the Working Committee of the Shromani Akali Dal and the Panthic Pratinidhi Board on the partition of the Punjab.

"Under the new plan of H.M.G. of June 3 the province of the Punjab has to be partitioned into the Eastern and Western Punjab. This partition has followed the division of the country into two sovereign States as a solution of the long standing communal tangle created by the Muslim League.

"In the opinion of this conference, the Boundary Commission should be given express directive to make recommendations for the transfer of Hindu and Sikh population and property from the western part of the Punjab to the eastern part after the partition has been affected on an equitable basis.

"This conference apprehends that in the absence of provision of transfer of population and property, the very purpose of partition would be defeated." -- API

Indian National Congress Acceptance of 3rd June Plan

Resolution of the All-India Congress Committee (passed on Sunday, 15th June, 1947).
Encyclopaedia of Indian National Congress
Vol. 10, p.110-112

The A.I.C.C. has given careful consideration to the course of events since its last meeting in January last and in particular to the statements made on behalf of the British Government on February 20, 1947, and June 3, 1947. The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British Government to transfer power completely to the Indian People by next August.

The Congress accepted the British Cabinet Mission's statement of May 16, 1946, as well as the subsequent interpretation thereof dated December 6, 1946, and has been acting in accordance with it in the Constituent Assembly which was constituted in terms of the Cabinet Mission's Plan. That Assembly has been functioning for over six months and not only declared its objectives to be the establishment of an independent sovereign republic of India and a just social and economic order, but has also made considerable progress in framing the constitution for the free Indian Union on the basis of fundamental rights

guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the plan of May 16, and to participate in the Constituent Assembly, and further, in view of the policy of Congress that 'it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will,' the A.I.C.C. accepts the proposals embodied in the announcement of June 3, which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception more than 60 years ago, the National Congress has laboured for the realization of a free and united India, and millions of our people have suffered in this great cause. Not only the labours and sacrifices of the past two generations, but the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny.

Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts. The A.I.C.C. earnestly trusts that, when the present passions have subsided, India's problems will be viewed in their proper perspective and that false doctrine of two nations in India will be discredited and discarded by all.

The proposals of June 3, 1947, are likely to lead to the secession of some parts of the country from India. However much this may be regretted, the A.I.C.C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult and the situation in India demands vigilance and a united front by all those who care for the independence of India. At this time of crisis and change when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.I.C.C. appeals to and demands of every Congressman and the people generally, to forget their petty difference and disputes and to stand by, vigilant, disciplined and prepared to serve the cause of India's freedom and defend it with all their strength from all who may seek to do it injury.

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Punjab Partition Preliminaries

*Note on a meeting on partition preliminaries held at Government House, Lahore,
at 10 a.m. on Monday, the 16th June 1947.*

I.O.R. MB. 122

PRESENT

The Governor
Khan Iftikhar Husain Khan of Mamdot
Lala Bhim Sen Sachar
Sardar Swaran Singh.

The Governor opened the proceedings with a brief explanation of the partition problem at the Centre and in the Punjab and an account of the arrangements which he understood were being made at the Centre. Broadly, it seemed clear that the Centre would be concerned with the determination of the boundary between the two new Dominions, the partition arrangements in respect of central subjects and the jurisdiction etc. of High Courts. The machinery at the Centre would consist of a Partition Council with full powers of decision, a Partition Committee also of political leaders but concerned mainly with procedural matters and subordinate to the Council, a Steering Committee probably of senior officials and a number of Expert Committees. The Punjab arrangements and machinery should presumably be on the same lines.

2. In the Punjab, the Governor thought that partition would resemble a large business negotiation. In the first instance a great mass of facts would have to be assembled and digested. Somebody with power to take decisions would be needed to consider these facts, to direct the presentation of further facts, and to initiate further enquiries and studies. The first point to be settled was the nature of this controlling body. It must clearly consist of political leaders and be a negotiating body and not a committee taking decisions by a majority vote. *Prima facie* it must consist of representatives of the Muslim League on the one hand and of the Congress and Panthic parties on the other. It must be autonomous with full authority to take decisions and so representative that any settlement reached by it would eventually be ratified by the two new Governments. The Governor invited suggestions about this body which might be described as the 'Partition Committee'.

3. Lala Bhim Sen Sachar asked what would be done in the event of a deadlock in the Partition Committee. The Governor replied that he understood that there would be an arbitral committee at the Centre whose services would be available to the provinces if required. Mention of this had been made in a press report, but he did not know whether the matter had been finally settled.

4. Khan Iftikhan Husain Khan of Mamdot said that he thought that the three Party Leaders should meet and consider further the composition of the Partition Committee. There was some discussion as to whether its members should belong solely to the Punjab or whether outsiders should be admitted or not. Sardar Swaran Singh suggested that the formation of the full committee should be postponed until after the decision on partition and that in the meantime a committee consisting perhaps of the three Party Leaders might be set up to supervise the establishment of the machinery and to gain some knowledge of the problems likely to be encountered. This point was also held over for discussion between the Party Leaders.

5. The Governor suggested that below the Partition Committee there should be a "Steering Committee" consisting of expert officials. He was in touch with Mr. Askwith, formerly of the I.C.S. in the Punjab, for whom an air passage had been booked on 24th June. A committee of this kind should probably have three members and he would suggest Mr. Sachdev, now working as Partition Commissioner, and Mr. Zahid Husain, the Vice-Chancellor of the Aligarh University, if he could possibly undertake the work.

The Party Leaders said that they would like to think this matter over.

The Governor said that if a Steering Committee were established his own advice would be that it should act (of course with the assistance of Junior officers and clerical staff) both as the Secretariat of the Partition Committee and as the controlling authority for the Expert Committees. On his own experience he did not think that material prepared by the Expert Committees should come before the Partition Committee without scrutiny by competent people. The first edition of an expert paper was often unsuitable in arrangements and otherwise for discussion by political leaders, who would naturally wish all material to be presented as concisely and as intelligibly as possible.

The Party Leader said they would like to consider the suggestion.

6. The Governor said that he had already set up certain Expert Committees on the principle that the proper advisors on official matters were the persons actually responsible for the administration of those matters. There were at present four committees:-

- A. On Financial Assets and Liabilities --
Mr. Ram Chandra, Financial Commissioner, Revenue, and
Mr. Abdul Majid, Financial Secretary.
 - B. On Physical Assets (the irrigation and electric systems, roads and bridges, etc.) --
Mr. Kirpalani, Financial Commissioner Colonisation;
Mr. Burt, Secretary I.B. (Central);
Mr. Thornton, Secretary Electricity Branch;
Mr. Fearn, Secretary B. & R. Branch; and
Mr. Abdul Majid, Financial Secretary.
 - C. On Services and Records --
Mr. Akhtar Husain, Chief Secretary;
Mr. Chatterjee, Educational Secretary;
Mr. Burt, Secretary I.B. (C); and
Mr. Nawab Singh, Legal Remembrancer.
- The Government explained that Mr. Chatterjee and Mr. Burt had been included because they controlled very large service cadres. Mr. Nawab Singh had been included because certain difficult legal questions were likely to arise.
- D. On the use of Institutions of Provincial Importance --
Mr. C.N. Chandra, Financial Commissioner, Development;
Mr. Chatterjee, Educational Secretary;
Mr. Burt, Secretary I.B. (C);
Mr. Nasir Ahmad, Director of Industries; and
Col. Aspinall, Inspector-General of Civil Hospitals.

The Governor said that he had also instructed the Legal Remembrancer to prepare a paper on the various legal complications involved in partition, e.g., the need for provincial

legislation to maintain in the two new provinces the law in force on the date of partition, the effect of partition on contracts; and so on.

The Governor said he thought that the principle of placing the main responsibility for providing information on the officials immediately concerned was sound, but the personnel of the committees could be varied by agreement between the Party Leaders provided of course that the man whose names were suggested could be spared and that Heads of Departments and Administrative Secretaries would not be superseded by their juniors.

The Party Leaders said they would like time to consider the composition of the various committees.

7. Sardar Swaran Singh and Lala Bhim Sen Sachar said that apart from the general machinery outlined by the Governor members of the Partition Committee would need advice of a more personal kind. After all two new Governments were to be established and there were points on which advice would be required from the stand point of one Government or the other. At present such advice was only obtainable informally and in a manner likely to embarrass members of the services. They suggested that the need they had mentioned should be met officially by the allocation of personal advisors to the Partition Committee.

The Governor said that if the Steering Committee acted as the nucleus of the Partition Committee Secretariat he thought advisors could be attached to it to be available to all or any of the members of the Partition Committee. Sardar Swaran Singh was inclined to agree and added that these advisors need not necessarily be whole-time.

8. There was some discussion about the preparation of material for the Boundary Commission. The Party Leaders thought that Government should provide a regular information service.

The Governor said that if the Commission ran true to form its first act would be to publish a most elaborate questionnaire. This would, so to speak, settle the issues, and the information required could then be collected. He thought that there would be difficulty in providing a general information service to answer any question that any party might choose to put. The result might be the collection of a mass of information which the Commission would not want. He quite understood the views of the Party Leaders and would report them to the Governor-General. If some guidance could be given from the Centre about the probable procedure of the Boundary Commission it would be easier to decide what to do. It was suggested that no fees should be charged for inspections of official documents when asked for by the Party Leaders. The Governor said he would look into this.

9. Before the meeting ended the Governor dealt with his own part in the partition arrangements. He said that the Partition Committee should, in his opinion, be an independent body set up by the authority of Government and receiving all the help and information that Government could give it. It had been suggested that he might preside over the Committee's meetings. If all the parties wished him to do so, he would gladly agree. But the Committee would be competent to select its own chairman, and he thought that there must be unanimity about the selection.

10. Finally the Governor said the partition, even when every one is in agreement about its general terms, a difficult business. The present partition could be put through only if the parties were prepared to cooperate cordially with one another and in some cases to agree to "stand still" arrangements for some interim period. Indeed, it had occurred to him that it would be for the mutual benefit of the two new provinces to keep some of their services joint for a term of years. These were of course matters entirely for the Party Leaders.

11. Lala Bhim Sen Sachar proposed, and all present agreed, that a press note should issue from Government House and that no publicity should be given to proceedings of this kind except by agreement between all parties.

12. In the course of the proceedings the Party Leaders undertook to discuss among themselves and to advise the Governor on the following points:-

- (1) The composition of the Partition Committee (including the question whether the appointment of members from outside the Punjab is admissible).
- (2) On the assumption that the Partition Committee will not be set up until after 23rd June, the formation of an Interim Committee of the Kind suggested by Sardar Swaran Singh.
- (3) The necessity for a "Steering Committee" and the selection of its personnel (Messrs. Askwith, Zahid Husain and Sachdev were the persons mentioned at the meeting).
- (4) The functions of the Steering Committee (The Governor's suggestion was that this Committee might form the nucleus of the Partition Committee Secretariat in addition to "steering" the Expert Committees.
- (5) The composition of the Expert Committees.
- (6) The need for advisors on the lines suggested by Sardar Swaran Singh and whether such advisors, if appointed, should be attached to the Steering Committee and be available to all or any of the members of the Partition Committee.
- (7) The selection of the advisors mentioned in (6).

The Government undertook:--

- (a) to issue a press note;
- (b) to refer to the Governor-General the views of the Party Leaders about the preparation of information for the Boundary Commission;
- (c) to initiate arrangements for office accommodation and the clerical staff for the Partition Committee; and
- (d) to examine the possibilities of remitting fees for the inspection of documents at the instance of Party Leaders.

**Broad Outline of the Machinery set up for Working out the
Administrative Consequences of Partition
(Press Note dated 17th June, 1947).**

Partition Proceedings Vol I, 3p.31-32.

Preliminary steps have been undertaken by the Government of India for the forthcoming negotiations on the administrative consequences of any partition that may be decided upon under the British Government announcement of June 3.

Broadly speaking, there will be a special Committee of the Cabinet consisting of the Viceroy, two Congress and the League members of the interim Government who, through a Steering Committee of two officers, will conduct and co-ordinate detailed investigations at expert level on various problems arising from the partition of the country. There are to be altogether ten such Expert Committees and each one of them will receive assistance from the Departments concerned. Sardar Vallabhbhai Patel and Dr. Rajendra Prasad are the two Congress members and Mr. Liaquat Ali Khan and Sardar Abdul Rab Nishtar are the two Muslim League members, who, with Lord Mountbatten, will form the Special Committee.

As soon, however, as the decisions of the provinces indicate that there will be a partition, the Special Committee of the Cabinet will be replaced by a Partition Council which will represent the interests of the two future Governments.

The Expert Committees will deal respectively with such problems as divisions of the Armed Forces, organization, records and personnel, assets and liabilities, revenues, currency and exchange, economic relations, domicile, foreign relations and contracts. The terms of reference of these Expert Committees have already been defined and the reports of the Committees are to be submitted by the third week of July.

The Steering Committee will act as liaison between the Special Committee at the top and the ten expert committees. It will consist of Mr. H.M. Patel and Mr. Mohammad Ali. Besides co-ordinating the reports of the several expert committees, it will present them to the Partition Council for decisions with a view to securing their implementation in time and also give necessary direction and guidance to the several expert committees.

Principal among them are the Armed Forces Reconstruction, Organization, Records and Personnel and Assets and Liabilities Committees. The Armed Forces Reconstruction Committee assisted the division of Indian Armed Forces.

The Committee dealing with Organization, Records and Personnel, is charged with the duty of making recommendations regarding the division of existing officers and staff of various Government organizations, and the committee on Assets and Liabilities will make recommendations as regards the division of the assets between the two Governments or, where division is impracticable, suitable other recommendations. It will also be concerned with making recommendations in regard to financial settlement between the two Governments arising from the allocation of the assets and liabilities including such liabilities as public debt and pensions.

The membership of all these committees as well as the expert committees will be

composed of senior Indian officials of the Government of India with the exception that on the various Armed Forces Committees, Indian officers of the services will work with British officers. Their secretaries will also be drawn from the Government of India officials.

The Special Committee of the Cabinet has directed that the work of partition should be undertaken in a spirit of friendship and goodwill, and with the desire to give a fair deal to both sides.

65

Party Leaders to Sir Evan Jenkins

I.O.R.MB 122

Seal
Broadland Archives

Lahore
17.6.47

Dear Sir Evan,

You will kindly refer to your D.O. letter P239 of the 16th of June, 1947, enclosing a copy of the minutes of the meeting of party leaders* with you, held yesterday at Government House, Lahore.

As decided in the meeting, the three of us met last evening and discussed the various points mentioned in paragraph 12 of the minutes. Our agreed decision are as follows:-

1. We have agreed that the Partition Committee should beside the Governor consist of four members of which two shall be the nominees of the Muslim League, one of the Congress and one of the Panthic Party. The parties will have full liberty with regard to the choice of their nominees whether from within or from outside the Punjab. We are also agreed that H.E. the Governor may preside over the meetings of the Partition Committee. The issues shall not be decided by votes; and in case of disagreement parties will set up an agreed machinery for the settlement of disputes.

2. We are agreed that there is no need of an Interim Committee of the party leaders pending the formation of the Partition Committee, but the party leaders should have free access to any official information that they might desire to have.

3. We are agreed that a Steering Committee consisting of Mr. M.R. Sachdev and Syed Yakub Shah, Finance Department, Government of India, shall be appointed. We are also agreed that there is no need to add a third member to this committee.

4. We are agreed that as soon as the Steering Committee assembles it shall form the nucleus of the Partition Committee Secretariat in addition to steering the Expert Commit-

tees. We are also agreed that when members of the Steering Committee assume office the office of the Partition Commissioner shall become superfluous.

5. Comments of on para 5** will follow later.

6 & 7. As are agreed that part time official advisers may be made available for advice to the members of the Partition Committee. Such advisers will be chosen by the members of the Committee and shall be attached to the Steering Committee.

Yours sincerely,
Sd. Iftikhar Husain Khan
Sd. Swaran Singh
Sd. Bhim Sen Sachar.

His Excellency Sir Evan Jenkins,
K.C.S.L., K.C.I.S., I.C.S.,
Governor of the Punjab
Lahore.

* See Document No. 63.

** Evidently para 5 of Document No. 63.

66

Western Section to Join New Assembly M.L.A.'s meet under Heavy Police Guard

*The Tribune Lahore, Tuesday 24th June 1947
(From our special Representative)*

Punjab's elected representatives have decided today (23rd June) that province must be partitioned. This decision was arrived by eastern section of the Punjab Assembly which sat separately after a Joint Session of Punjab Assembly had been held.

The two sections of Punjab Assembly the Eastern Section and Western Section met separately at 9 a.m. Both decided in favour of holding joint session of the Assembly. Then a joint session of both sections was in session where ninety one members voted for joining the new Constituent Assembly whereas seventy seven voted in favour of joining existing Constituent Assembly.

The members divided themselves again in Eastern Section of Punjab and Western Section under the notional division contained in the British Plan of 3rd June. The Eastern Punjab decided in favour of partition by 50 votes against 22 votes. The Western Punjab decided in keeping a united Punjab by 69 votes against 27. Dewan Bahadur S.P. Singha presided over the joint session and separate section of West Punjab whereas Sardar Kapur Singh was in chair in the eastern section meeting.

**Functions of Steering Committee
Steering Committee and Partition Secretariat**

Partition Proceeding Vol. I, p. 40

i) Functions (as laid down by the Special Committee of the Cabinet): Vide Partition office Memorandum No. 14 P.O.S. 054, dated 18th June 1947 to all Departments of the Government of India.

“To ensure--

- (a) that concrete proposals are evolved in time by the Expert Committees,
- (b) that these proposals adequately dovetail with each other and form a comprehensive whole,
- (c) that the recommendations of the various Expert Committees are presented to the Partition Council in a suitable form, and
- (d) that the decisions reached are implemented in time.”

The Committee of the Cabinet further directed that--

- (a) subject to the terms of reference that it might lay down for each of the Expert Committees, the Steering committee may provide day to day guidance, advice and direction to them, and
- (b) the members of the Steering Committee should keep in close touch with the members of the Cabinet Committee (and later the Partition Council when it is set up.)

(ii) Composition

- (a) Mr. H.M. Patel, C.I.E., I.C.S., Secretary to the Cabinet, Government of India.
- (b) Mr. Mohd. Ali, C.I.E., Financial Adviser, Military Finance, Government of India.

Replacement of the Special Committee of the Cabinet by the Partition Council

(Extract from the minutes of the meeting of the Special Committee of the Cabinet held on the 26th June, 1947).

Partition Proceeding Vol. I & IV pages 33 & 71 respectively

His Excellency said that the question of the date on which the present Special

Committee should be replaced by the Partition Council and the composition of the latter had to be settled. He suggested that as the Punjab, Bengal and Sind had all voted in favour of Partition, in accordance with the decision previously taken, the Partition Council should be set up immediately. It would be composed of three members from the Congress and three from the League, but meetings would be attended by only two members from each party. The Viceroy would be in the chair as at present. It was agreed that the first meeting of the Partition Council should be on the following day and that before then, Sardar Patel and Mr. Liaquat Ali Khan should intimate to the Cabinet Secretary the names of the members, their respective parties wished to nominate on the Council. The following members were eventually nominated: (a) Congress: (1) Sardar Vallabhbhai Patel, (2) Dr. Rajendra Prasad, (3) Raja Gopalachari; (b) Muslim League: (1) Mr. M.A. Jinnah, (2) Mr. Liaquat Ali Khan (3) Sardar Abdur Rab Nishtar.

69

His Excellency the Governor General Note, Dated the 25th June, 1947 and Partition Council's Decision thereon

Partition Proceeding Vol. VI p. 6

Appointment of the Chairman of the two Boundary Commissions.

His Excellency said that at the time of giving the Boundary Commissions their terms of reference he proposed to hand over to them certain documents, namely a copy of his broadcast, the letter of the Dewan of Bahawalpur regarding the Sutlej and the use of its waters and the Scheduled Castes' request for special consideration.

After some discussion, it was agreed that as it would be open to interested parties to submit any documents which they wished to be considered direct to the Boundary commissions, they need be given nothing beyond their terms of reference.

His Excellency further said that all parties had unanimously expressed the opinion that it was most desirable that the Boundary Commissions should finish their work by the 15th August. If this was to be done, it would be necessary, he felt, to modify the previous decision that the Commissions should elect their own Chairman. In his view it would expedite work if the Partition Council could agree upon the names of two eminent men enjoying the confidence of both parties to serve as Chairmen and having a casting vote. He had accordingly asked the Secretary of State if he could suggest suitable persons for appointment as Chairman and the latter had recommended Sir Cyril Radcliffe, a man of high integrity, legal reputation, and wide experience. If it proved difficult to find any other person he would suggest that Sir Cyril might be considered for the Chairmanship of both Boundary Commissions. The advantage of such a course would be that Sir Cyril Radcliffe would be enabled to adjust any slight loss one State might have to suffer in particular area by compensating it in another, if, as was probable, the work of the Arbitral Tribunal would arise mostly after the 15th of August, it might be possible to retain Sir Cyril for that work also. The idea generally appealed to the members and they agreed to consider it further. His

Excellency for his part agreed to write formally to Sardar Vallabhai Patel and Mr. Liaquat Ali Khan to consider the suitability of Sir Cyril Radcliffe and setting out details of his experience and terms on which he might be invited to come to India. His fees would be debited to the general expenses of partition.

70

Partition Council's Decision, Dated the 27th June, 1947

Partition Proceeding Vol. IV & VI pages 87-88 and 7 respectively. Case No. PC/2/1/47

Appointment of the Chairman of the two Boundary Commissions.

Both the Congress and the League agreed to the proposal which had been put forward the previous day by His Excellency that Sir Cyril Radcliffe should be invited to come out as Chairman of the two Boundary Commissions. It was understood that Sir Cyril Radcliffe might be ready to come out within 10 days and be prepared to stay up to August 15th. The Boundary Commissions would be asked to start their work on Monday next without waiting for the arrival of Sir Cyril Radcliffe.

71

H.E. the Governor of Punjab to H.E. the Viceroy

Extract from Report dated 30th June, 1947

I.O.R. MB 123

7. The Partition Committee will, I hope, hold its first meeting at 10 a.m. tomorrow. The members are Daultana and Zahid Husain for the Western Punjab and Gopi Chand Bhargava and Swaran Singh for the Eastern Punjab. Zahid Husain is not Punjabi and is, I understand, Jinnah's nominee. He retired not very long ago from the Indian Audit and Accounts Service and is now the Vice-Chancellor of the Aligarh University. He was my Financial Advisor in the Delhi Province, and later in the Supply Department and I have the highest opinion of his ability and integrity. Daultana is clever but inexperienced. Gopi Chand Bhargava is an experienced politician who has never held office and Swaran Singh is of course the former Development Minister in the Coalition Government.

The Steering Committee seems to be working all right in view of the new arrangements and the decision that no British official should serve on the expert committees I told Askwith that he had better not return to India. I am sorry about this as he would, I think, have been invaluable. The Partition work really requires an objective rather than a party outlook.

8. Sachar mentioned at this morning's meeting of the Security Committee the proposal for the appointment of two teams of Advisers of which he had heard in Delhi. He

said that he was not sure how the Advisers would fit in with the Security Committee and the Partition Committee. It seemed to him that with a "standstill" order there would be little administrative business other than routine, and in practice the only Cabinet business would go before the Partition Committee. I had not intended to discuss this question with the Party Leaders until I had heard further from Your Excellency. As Sachar brought it up I simply said that I agreed with him that there might be some difficulty in running Advisers in conjunction with the Security Committee and the Partition Committee and that I would be grateful if the Party Leaders would think the matters over and let me know in a day or two what they thought the best arrangement would be.

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Announcement by His Excellency The Governor General, Dated the 30th June, 1947

*The Gazette of India Extraordinary, New Delhi, Monday, June 30, 1947 Secretariat of
the Governor General (Reforms).*

Notification (Partition Proceedings Vol. VI, p. 8-9)

New Delhi, the 30 June, 1947

No. D. 50/7/47-R- The following announcement of the Governor General is published for general information.

Announcement by the Governor General

Whereas in accordance with the provisions of paragraphs 5 to 8 of the Statement by His Excellency, Government, dated the 3rd June, 1947, it has been decided that the Provinces of Bengal and the Punjab shall be partitioned.

Now, therefore, in pursuance of paragraph 21 of the statement, His Excellency the Governor-General is pleased to make the following announcement with reference to paragraphs 9 and 13 thereof:-

1. There shall be two Boundary Commissions, one for Bengal and the other for the Punjab consisting of the following:-

*For Bengal
Chairman*

To be appointed later.

Members

Mr. Justice Bijan Kumar Mukherjee
Mr. Justice C.C. Biswas
Mr. Justice Abu Saleh Mohammed Akram
Mr. Justice S.A. Rehman

For the Punjab
Chairman

To be appointed later

Members

Mr. Justice Din Mohammad
Mr. Justice Muhammad Munir
Mr. Justice Mehr Chand Mahajan
Mr. Justice Teja Singh

(Note - It is intended to appoint the same person as Chairman of both the Boundary Commissions).

(2) The two Boundary Commissions shall be summoned to meet as early as possible by the Governors of the respective Provinces and shall submit their reports at the earliest possible date.

(3) The terms of reference of the two Commissions shall be as follows:-

For Bengal - The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the district of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet district and the contiguous Muslim majority areas of the adjoining districts of Assam.

For the Punjab - The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

K.V.K. Sundaram
Officer on Special Duty.

**Moon's Proposal about Predominantly Sikh East Punjab
Sir Penderel Moon to Lord Ismay**

I.O.R. MB. 140

I had a talk with Penderel Moon when he was in Delhi about the Sikhs; and I have now had the attached letter from him.
I don't see what we can do about it?

Sd/- ISMAY
1.7.47

P.S.V.

I was present when H.E. had an interview with Sardar BALDEV SINGH and GIANI KARTAR SINGH two days ago. I attach a copy of the record.

2. Sardar BALDEV SINGH said that there was no sign at all of either of the major parties making any concessions to the Sikhs and I doubt very much whether there will be any settlement between them and the Muslims. Indeed, all the emphasis at the interview was on concessions to be obtained from the UNION OF INDIA and not from PAKISTAN.

3. The idea of eliminating the Hindi speaking parts of the EASTERN PUNJAB and thus dividing the poor PUNJAB into three bits, instead of two, was put to H.E. but both leaders agreed that it was not possible for H.E. himself to meet their claims now. They seemed fairly content with his promise to write and draw the attention of the leaders to their requests and H.E. has done this.

4. From the point of view of avoiding a row in the CENTRAL PUNJAB, I believe you are right about the best course to adopt. But things have now gone much too far for H.M.G. to be able to take a hand; and if the provincial boundaries are again to be re-drawn it would have to be done by the successor authorities.

Sd/- G.E.B. ABELL
3.7.47

C.V.S.

Enclosure to Document no. 73

PRIVATE AND PERSONAL

AS FROM BAHAWALPUR, 27 June 1947

Dear Lord Ismay,

I write with reference to our conversation a few weeks ago regarding the Sikhs.

Feroz Khan Noon made. I understand, a direct approach to them, indicating that the Muslims would grant them special concessions if they would throw in their lot with Pakistan, but he met with a rebuff.

This was to be expected. The Sikhs are still smarting from the injuries inflicted on them by the Muslims in the Rawalpindi division. Temporarily they have been thrown off their balance. But an influential section of them (including Master Tara Singh and Gyani Kartar Singh) know, in their heart of hearts, that they must come to a settlement with the Muslims if the Punjab is to be spared disaster. Hence, though one must not look for any immediate results, there is yet hope that with patience and perseverance the Sikhs will be brought to the view that Eastern Punjab - which must in any case be formed-should join Pakistan. If this is achieved then the civil war, not to mention administrative complications, which must inevitably follow an attempt to draw a frontier between two National States somewhere in the middle of the Lahore Division, will be averted.

Meanwhile what step are to be taken:

Certain Sikhs, in touch with both Baldev and Tara Singh, are going to formulate, informally and entirely privily, the Sikh conditions for joining Pakistan. If these offer, as I believe they will, a possible basis for negotiation, certain Muslims League leaders will be informally approached. The Sikhs are anxious that it should not leak out that any such negotiations are afoot or contemplated.

It will considerably facilitate matters if it can be so arranged that the new Eastern Punjab has the strongest possible Sikh complexion and does not, therefore, include Gurgaon, Hissar Rohtak and Karnal. The Sikhs have already put this demand to Congress who hesitate to accept it. I would suggest that this Sikh demand should be encouraged and conceded. You can doubtless be of assistance in this regard. If the Sikhs are taken out of Hindu clutches-as they want to be- and put in a more or less independent position on their own, they are much more likely to gravitate in the end towards their natural alignment with the rest of the Punjab and Pakistan.

The next step would be to indicate that it is optional for this Sikh Eastern Punjab to join either Hindustan or Pakistan and that there is no presumption that it must join one rather than the other. The Sikhs will probably make this clear themselves, but if they ask for some pronouncement to this effect from HMG, it will probably be advisable to accede to their request.

Please forgive this unasked for effusion. My excuse is that without a Sikh-Muslim pact there will be chaos in northern India.

Yours sincerely
PENDEREL MOON

Private and Personal.

to him
Bahawalpur 60

June 27th

Dear Dad Iqbal,

I write with reference to our conversation
a few weeks ago regarding the Sikhs.

Feroz Khan Noon made, I understand,
a direct approach to them, indicating that
the Muslims would grant them special
concessions if they would turn in their lot
with Pakistan, but he met with a
rebuff.

This was to be expected. The Sikhs
are still smarting from the injuries inflicted
on them by the Muslims in the Rawalpindi
division. Temporarily they've been thrown off
their balance. But an influential section
of them (including Master Tara Singh and
Syam: Kartar Singh) know, in their heart of
hearts, that they must come to a settlement
with the Muslims if the Punjab is to be
spared disaster. Hence, though one must
not look for any immediate results, there
is yet hope that with patience and perseverance

the Sikhs will be brought to the view that Eastern Punjab - which must in any case be formed - should join Pakistan. If this is achieved, then the Civil War, and its numerous administrative complications, which must inevitably follow an attempt to draw a frontier between two National States somewhere in the middle of the Lahore Division, will be averted.

Nevertheless what steps are to be taken?

Certain Sikhs, in touch with both Baldev and Tara Singh, are going to formulate, informally and entirely privately, the Sikh conditions for joining Pakistan. If these offer, as I believe they will, a possible basis for negotiation, certain Muslim League leaders will be informally approached. The Sikhs are aware that it should not leak out that any such negotiations are afoot or contemplated.

It will considerably facilitate matters if it can be so arranged that

the new Eastern Punjab ^{has} ~~with~~ the
the strongest possible Sikh complexion
and does not, therefore, include Gurgaon
Hissar, Rohtak and Karnal. The Sikhs
have already put this demand to
Congress who hesitate to accept it. I
would suggest that this Sikh demand
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are doubtless full of assistance in this
regard. If the Sikhs are taken out
of ^{Haryana} ~~the~~ Clutches of — as they want
to be — and put in a more or less
independent position on their own, they
are much more likely to gravitate in
the end towards their natural alignment
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The next step would be to indicate
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Punjab to join either Haryana or Pakistan
and that there is no presumption that it
must join one rather than the other. The
Sikhs will probably make this clear
themselves, but if they ask for some

pronouncement to that effect - from 1176,
it will probably be advisable to accede
to their request.

Please forgive this unasked for
effusion. My excuse is that without
a Sikh-Muslim pact there will be
chaos in northern India.

Yours sincerely

Richard T. Ford.

**A Record of Decisions of the First Meeting of the Punjab Partition Committee
held on Tuesday, the 1st of July 1947, at 10 a.m. in the Secretariat.**

*(It is based on two Separate Booklets Agenda of Punjab Partition Committee (A.P.P.C)
and Decisions of Punjab Partition Committee (D.P.P.C) preserved in
Partition Branch of Punjab Govt. Chandigrah (P.B.R.)*

Present

1. His Excellency the Governor.
 2. Mr. Zahid Hussain
 3. Mian Mumtaz Muhammad Daultana
 4. Dr. Gopi Chand Bhargava
 5. Sardar Swaran Singh
- Messrs. Yaqub Shah and M.R. Sachdev.

Decision Item no I

It was agreed that where there was no difference of opinion the Steering Committee should merely record decision. In other cases also the same procedure could be adopted but where members so desired, the minutes might take the form of short notes giving the views of members with a summary of arguments on which their views were based.

Agenda Item-2

It is suggested that the following should be the terms of reference of the Steering Committees:--

2. The Steering Committee should ensure--
 - (a) that agreed proposals are evolved in time by the Expert Committee;
 - (b) that those proposals adequately dove-tail with each other and form a comprehensive whole;
 - (c) that the recommendations of the various Expert Committees are presented to the Partition Committee in a suitable form and
 - (b) that the decisions reached are implemented in time.
3. It should be further directed that:--
 - (1) The members of the Steering Committee shall act as Secretaries to the Partition Committee;
 - (2) that subject to the terms of reference that might be laid down for each of the Expert

Committee the Steering Committee may provide day to day guidance, advice and direction to them; and

- (3) that the members of the Steering Committee should keep in close touch with the members of the Partition Committee.
- (4) The terms of reference proposed above follow closely the terms of reference of the Steering Committee at New Delhi. This note is put up before the Partition Committee for consideration and approval.

Decision

The proposal of the Steering Committee was approved. It was agreed that the words "as far as possible should be added after the word "that" in paragraph 2(a) of item 2 of the agenda.

Item No. 4

When the question of services was discussed some time ago, it was considered that the services recruited on a District or Divisional or Circle basis might remain where they happen to be on the date of partition subject to an assurance from the Partition Committee and adjustments will be made within a reasonable time; e.g. six months or a year to suit the wishes and convenience of individuals. It was further considered that services other than the Provincial and All India Services recruited on a Provincial basis might be treated in the above manner also under a temporary joint cadre system subject to adjustments within a reasonable period.

2. So far as the All India Services are concerned, their members have already expressed their option to serve in one or the other of the two Provinces or elsewhere. A letter has also been addressed to the Heads of Departments and the members of the Provincial Service have been asked, if they so desire, to express a preference for employment in the Western or in the Eastern Punjab. The replies from the Heads of Departments are expected by 5th July, 1947.

3. In the Government of India, the Special Committee of the Cabinet appointed to work out the machinery for implementing the partition of India decided that every Government servant should be given the opportunity to select the Government he wishes to serve. The cadres will then be separated accordingly but the actual transfers will have to be arranged over a period of time, and in the meanwhile, a standstill agreement should be arranged so that the efficiency of the organisations may be preserved. It was accordingly directed that:--

- (i) every Government servant Indian or European should be given an opportunity to select the Government he wishes to serve;
- (ii) each Government servant should be asked to state at the same time whether he wishes to be given an opportunity to reconsider his choice within a period of 6 months from the date of the transfer of power;

- (iii) separate cadres should be drawn up for the two future Governments on the basis of the replies received.
- (iv) the actual transfers of personnel would have to be arranged over a period of time. During that period a stand-still agreement should be made in respect of each service and cadre so that the efficiency of the various organisations affected by the division is preserved. The above applied to Government servants of all categories. The Steering Committee (Government of India) prepared a Questionnaire for Government servants to fill in and a copy of the Questionnaire is attached. As regards non-Gazetted staff it was suggested that the Heads of Departments might ascertain their wishes with the help of a Committee in each Department consisting of a Muslim and a non-Muslim to which the staff should report their choice.

4. The members of the Steering Committee have discussed the case and while they consider that the non-gazetted staff should stay where they happen to be on 15th August, 1947 for a fixed period under a standstill agreement so that the efficiency of the organisations may be preserved, they are agreed that all Government servants should now have the opportunity of selecting the Government they wish to serve. They would further recommend that the two successor Government should be prepared to meet their wishes as far as possible and to give an assurance that no employee will be victimised because of the intention expressed by him. It will be open to any Government servant to reconsider and indicate his final choice within a period of say six months of expressing their choice after 15th August are obvious.

5. The matter is referred to the Partition Committee for consideration and decision.

Decision

It was agreed that a letter on the lines of Government of India's letter should be drafted by the Steering Committee along with the Questionnaire to accompany this letter. This should be put up to the Partition Committee for consideration

Item No. 11

Memorandum of the Rights, Obligations and Disputes connected with Irrigation in the Punjab and the Effect on them of Partition. Prepared by H.E. Punjab Governor.

1. Introductory

- 1 The Punjab as it now stands has certain rights in the waters of (i) the Indus and its tributaries (ii) the Jumna, and (iii) the subsidiary rivers flowing between these two main Systems.

Various Indian States and the Province of Sind also have rights dependent upon their geographical position. Over a long period of years, successive Governments of the Punjab have entered into agreements with neighbour Government on Irrigation questions, and have been involved in Irrigation disputes.

2. The object of this memorandum is to survey the existing position in respect of both of agreements and of disputes; and to analyse the effect on it of any partition of the Punjab.

II. The Existing Position

3. Until the coming into force of the Government of India Act, 1935, irrigation was closely controlled by the Governor General in Council who sanctioned projects and settled disputes. From 1st April 1937 irrigation became an exclusively provincial subject and the only limitation on the authority of Provincial Governments to execute projects is now the provision contained in Section 130 of the Government of India Act, 1935, for the appointment of Commissions by the Governor General to report on disputes between Provinces or States or between Provinces and States. A Provincial Government can in fact execute irrigation projects and conduct water disputes as it please but any Province or State aggrieved by its proceedings can claim a Commission, and the findings of a Commission may be enforced by the order of the Governor General or by His Majesty in Council.
4. From East to West the subsisting agreements between the Punjab Government and other Governments are as follows:-
 1. A Jumna-Agreement with United Provinces Government for the distribution of water at Tajewala between the Eastern Jumna (United Provinces) and Western Jumna (Punjab) canals. This agreement settles the distribution up to certain discharges of the river. Distribution of excess discharges is one of the disputed matters dealt with below:--
 2. Agreement with United Provinces Government for the irrigation of a part of the Gurgaon district from the United Provinces Agra Canal.
 3. Agreements with the Governments of Patiala, Nabha and Jind for the supply of water through the Western Jumna Canal System to parts of the states.
 4. B. Ghaggar - Agreement with the Government of Bikaner for supply of water from the Ghaggar river and Otu reservoir. Water rights in the Ghaggar above Otu are disputed and are dealt with below.
 5. C. Sutlej-Agreements with the Governments of Patiala Nabha, Jind and Ferozepore for the supply of water from the Sirhind Canal. These States contributed to the cost of the Head works, Main line and the Patiala Feeder.
 6. The Sutlej Valley Project agreement of 1919 with the Governments of Bahawalpur and Bikaner. This agreement allocated to the partner Governments the entire supplies of the Beas plus such Sutlej supplies as were surplus to the requirements of irrigation upstream of Ferozepore, each partner Government paid for its own canals (the one exception is the Eastern Canal taking off from the left bank of the Sutlej at Ferozepore and irrigating land in Bahawalpur as well as in the Punjab); and agreed contributions were made to the common headworks. The Punjab Government made a contribution to the cost of the Punjab Headworks, and defrays a part of the maintenance charges, though there is no Punjab Canal taking off from these headworks.

7. The report of a Committee (the Anderson Committee) was endorsed by the Government of India in a letter, dated 31st March 1937. This Committee included representatives of Bombay (then in control of Sind) the Punjab, the North West Frontier Province (on account of its interests in the Panarpur Canal). Bahawalpur, Bikaner and Khairpur, Sind had from the first been nervous about supplies for the Sukkur, Barrage, and the partners in the Sutlej Valley project were also uneasy about their supplies. Sind (through the Government of Bombay) raised objections to further development in the Punjab and the Committee's object was largely to make agreed development possible. The Committee's report was unanimous and as it was accepted by the Governments represented, it constitutes an agreement. The Principal points agreed were:--

- (a) The Punjab received authority to proceed with the Thal and Haveli Projects.
- (b) The Sutlej Valley Project 1919 agreement was modified as below:--
 - (i) The distribution of Sutlej water between canals taking off at Ferozepore, Suleimanks and Islam was changed.
 - (ii) The Pannad Canal was freed from certain restrictions and granted an increased allocation in Rabi.
- (c) The Sind Sukkur Canals received additional water in October and the allocations were given to the Khairpur Canals in January, February and March. The Bhakra Dam Project was not examined in detail, as it was considered to have been accepted by the Bombay Government.

Unfortunately the Government of Sind contested the Bombay Government's ratification of the Report, and initiated proceedings against the Punjab under Section 130 of the Government of India Act, 1935. This major dispute with Sind will be discussed below:-

5. Form East to West the subsisting or impending disputes are as follows:--

- 1. With the Government of the United Provinces about the distribution of the waters of the Jumna in excess of the agreed supplies for the Eastern and Western Jumna Canals (see paragraph 4 (i)) This dispute is an old one. A decision on one of its phases was given by the Governor General in Council in about 1925. At present the Punjab Government would like to have the agreed supplies for Gurgaon, the United Provinces Government does not agree, and ultimately the dispute will have to be decided by negotiations or a Tribunal, if development is not to be checked. It has not been referred to a Commission under the Government of India Act 1935.
- 2. With the Government of Patiala and Bikaner regarding rights in the Ghaggar above Otu, and in particular the right of Patiala to withdraw water at the above, the Devigarh Regulator (see paragraph 4(4)). This dispute has not been referred to a Commission under the Government of India Act. 1935.

3. With the Government of Bahawalpur on a claim to receive Bhakra water, Bahawalpur claims as a riparian owner to participate in any distribution from the Sutlej. The view of successive Punjab Governments has been:-

- (a) that the Sutlej Valley Project Agreement of 1919 gave the project (including the Bahawalpur portion of it) only reversionary rights to Sutlej water after the upstream requirements had been met (see paragraph 4(6)).
- (b) that the traditional Bhakra areas in the Eastern Punjab had a prior claim to any additional withdrawal; but
- (c) that the Bhakra Dam should not impound and the Bhakra canals should not withdraw water during April, May, and June until the Sutlej Valley Project indents had been met in full. This dispute is still at its early stages and has not been discussed in detail with the Bahawalpur Government or referred to a Commission under the Government of India Act, 1935.

4. With the Government of Bikaner on a claim to receive Bhakra water. The Government of Bikaner do not want Bhakra water allotted to the Sutlej Valley Project, but claim on the same footing as the Hissar district of the Punjab. This dispute also is at its early stages.

5. With the Governments of Patiala, Nabha, and Jind on claims for Bhakra Water. These claims have not yet been made but are inevitable - particularly as any canal supplying Hissar must pass through Patiala or Nabha or both these States.

6. With the Government of Sind on the distribution of the waters of the Indus and its tributaries (see paragraph 4(7)). The Sind Government demanded a Commission on the ground that the Anderson Committee Report was unfair, and that certain projects constructed or prepared by the Punjab Government would endanger the Sind inundation canals. Specifically Sind claimed:-

(a) Certain adjustments in supply;

(i) The Haveli (completed).

(ii) the Thal (under construction)

(iii) the Bhakra (contemplated).

(iv) Storages on the Beas with a total capacity of 2,066 million acre feet, or a single storage on the Beas with a capacity of 2 million acre feet (contemplated).

(v) Storages on the affluents of the Ravi and the Chenab, and the Woolar Lake Storage on the Jhelum, with a total capacity of 1.42 million acre feet (contemplated).

(vi) a ling of 700 cusecs capacity from the Lower Bari Doab canal on the Ravi to the existing Pakpattan Canal (contemplated).

(vii) A ling of 5,000 cusecs capacity from Balloki on the Ravi to Suleimanki on the Sutlej (contemplated).

A commission known as the "Indus Commission" or the Rau Commission", was duly appointed and concluded that the Punjab projects were likely to cause loss to the Sind inundation canals especially in September. The Commission recommended that

none of the contemplated projects should be taken up until the 1st October 1945; and that thereafter no conditions need be imposed save for the Bhakra and Beas Dams. For these two projects the Punjab was to compensate Sind for any actual damage or to pay Sind a contribution Rs. 2 crores in lieu of compensation towards the cost of two new Barrages. Withdrawals by the Bhakra and Beas Dams were to be regulated unless and until the Barrages were built.

Neither Sind nor the Punjab accepted these findings and the Punjab demanded a reference to His Majesty in Council. Proceedings in London were later stayed in the hope of a compromise which has not materialised. Sind has demanded something in the nature of an injunction against the Bhakra Dam; and the Punjab contemplates a similar attack on the Sind Barrages. The matter is before the Governor General and can clearly not be decided by His Majesty in Council before the transfer of power.

6. To summarise, the Punjab Government as now constituted is a party to seven agreements (or sets of agreements) with other Governments regarding irrigation.

Of these agreements five (paragraphs 4(i) give no trouble in themselves, though there are disputes connected with two of them (paragraphs 4 (i) and (4)

The remaining two agreements (paragraphs 4(6) and (7) are the source of several most intractable disputes.

There are six disputes with other Governments in progress or impending.

Of these disputes two (paragraphs 5(1) and (3) are not particularly urgent. But the remaining four concern the Bhakra Dam (already under construction) and one of them the dispute with Sind, covers wider ground.

If the Punjab remained united early decisions would be needed both on the use of Bhakra water and on the Sind disputers.

III The Future

7. If the Punjab is partitioned and the two halves are included in two different Dominions the constitutional position will presumably be as follows:--

(i) Agreements and disputes falling wholly within West or East Punjab will be a matter for the Government of West or East Punjab as the case may be.

(ii) Agreements and disputes between West or East Punjab and other units of the same Dominion will be matter for whatever machinery the Dominion Constitution may provide.

(iii) Agreements and disputes between West and East Punjab, or between West or East Punjab and units of the other Dominion will be a matter for the two Dominion Governments.

8. On the assumptions in paragraph 7 it seems clear that of the agreements mentioned in paragraph 4, Nos. (1)-(3) will be a matter for the East Punjab and (in appropriate case) for the Dominion in which the East Punjab is included. Nos. (6) and (7) are likely to give difficulty.

Similarly of the disputes mentioned in paragraph 5 Nos. (1) and (2) will be for the

East Punjab and for the Dominion in which it is included. Nos. (3)-(6) are likely to give difficulty.

9. The agreement and disputes classed as "difficult" in paragraph 8 are so classed because they concern matters which cannot on our present knowledge be allocated solely to West and East Punjab.

The use to be made of Bhakra water (perhaps it is best to refer to Bhakra-Nangal since Sind has objected to the Nangal project also) is clearly of importance to West Punjab, East Punjab, Bahawalpur, Bikaner, Patiala, Nabha and Jind.

The dispute with Sind concerns West Punjab and East Punjab Bahawalpur, Bikaner and Khairpur and though part of it can be confined to West Punjab (e.g., question concerning Haveli, Thal the Ravi and Chenab Storages, and the Pakpattan and Suleimanki Links); the Bhakra Nangal projects, any Beas storages and any general questions of supplies are likely to involve all three provinces and all three States.

10. There may have to be new agreements between West and East Punjab, e.g. if the Upper Bari Doab Canal or the Sutlej Valley Project Canals do not fall wholly in one Province or the other.
11. This Memorandum merely states the problems. It offers no solutions, and it is for the Partition Committee to consider whether the matters discussed should be taken up now in connection with the partition proceedings or held over for later disposal.

Decision

It was agreed that the matters mentioned in the Memorandum prepared by His Excellency the Governor should be left over for consideration in due course. Meanwhile any important matter arising out of the disputes referred to in the Memorandum could, if necessary, be referred to the Partition Committee for consideration. Sardar Swaran Singh had some comments to make on some of the points mentioned in the Memorandum and it was agreed that he should record and circulate a note which could later on go on record after the Partition Committee had considered it.

Decision on 3rd July (Item No.1)

Reference item 11 of the Agenda of the first meeting held on 1st July 1947, Sardar Swarna Singh circulated a note and it was agreed that it should come on record along with the Memorandum that had been prepared by His Excellency the Governor. A copy of the note is attached.

The detailed examination of memorandum on item no. 11 in the Agenda for the meeting of the Partition Committee held on 1st July 1947 will be a matter for the experts, but I would like to add a few lines even at this stage, as the same may be useful at a later stage:-

Para C.(5) - There is no agreement with Faridkot State for the supply of water from the Sirhind Canal.

Para 5 (3) (c) - In this paragraph it is stated that the Punjab Government were of the view that the Bhakra Dam should not impound and the Bhakra Canals should not withdraw water during April, May and June until S.V.P. indents have been met in full. There is no

such decision of the Punjab Government. The question did arise at the time of the Indus Commission but no definite decision by the Punjab Government as such was given. The entire question is covered by the Tripartite Agreement executed in 1920 between the Punjab, Bahawalpur and Bikaner, and even if any Minister of the Punjab Government had expressed any views, this will be open to objection if his interpretation is contrary to the terms of that agreement.

The Inspector General of Irrigation to the Government of India in his note dated 15th November 1920, when forwarding the S.V.P. Project Report and Estimate to the Secretary of State for sanction had expressed views which are contrary to the view expressed in sub-paragraph (3) (c). It may be pointed out that the Nicholson Trench Committee in 1929-30 had followed the interpretation given by the Inspector-General of Irrigation.

Item No. 12.

While discussing the problems that confront the various Expert Committees the members of the Steering Committee have felt that in order that the Expert Committee's work may be expedited they should have the power to appoint small departmental committees under them to assist them in their work. This will be subject to the approval of the Steering Committee. It may for example be necessary for Committee C on Services and Records to appoint a Committee or committees under them to deal with the question of records. Similarly Commission B dealing with physical assets in the possession of the various departments (e.g. loud speaker vans and cinema equipment, etc., with the Department of Public Relations, Co-operative Societies, Rural Reconstruction and panchayats), The members of the Steering Committee will ensure that the setting up of such committees would be in the interest of expeditious disposal of work and that in appointing members of these committees necessary communal proportion is maintained.

Decision

The Steering Committee's proposal was approved.

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A Note by Giani Kartar Singh Given to H.E. at Interview on 20.6. 1947

I.O.R. MB. 140

Demarcation of Boundaries

1. The main problem confronting the Sikh community, at the moment, is the line of demarcation, separating the Eastern Punjab from the Western Punjab. Our anxiety in the matter is well-known. Our cultural linguistic and spiritual affinities as also our economic well being, and the solidarity and integrity of our populace have been placed in jeopardy by the notional division of the Punjab. Every Sikh in whatever situation he is placed feels

most acutely about it. Faith is put in the words used in Your Excellency's broadcast speech and it is hoped that the permanent division will be fair and just to the Sikhs; as it is expected that the boundary line will be demarcated in such a manner that it brings a substantial majority of the Sikh population in the Eastern Punjab. The Sikhs will not be satisfied unless at least 80% of their population is brought into the Eastern Punjab by demarcating the boundary line properly. Nankana Sahib the birth place of Guru Nanak, the founder of the Sikh faith and the adjoining Hindu-Sikh majority belt spreading in Lyallpur, Sheikhupura and Gujranwala Districts and a just share of the colony areas ought to be included in the Eastern Punjab, wherein the Sikh population can be shifted. After the wholesale massacre of the Sikhs in the Rawalpindi Division the Sikhs are in no mood to cast their lot with Pakistan. While demarcating the boundary of the Eastern and Western Punjab Provinces, greatest good of both of the Provinces should be kept in view.

Transfer of Population

2. Next to the demarcation of boundary line, the Sikhs insist that the exchange and transfer of Sikh population from the Pakistan areas and the Muslim population from Eastern Punjab area must be arranged. Unless this is done, bitterness and frustration will prevail on both sides, Resistance to and flouting of authority will occur again and again, intrigues will go on either side and perhaps will make peace impossible of achievement. The exchange of Hindu and Muslim minorities all over India is an impossibility but exchange of the Sikhs in Pakistan area with the Muslims of eastern Punjab will involve not a very large number of persons. Even transfer of a million of Sikhs with a similar number of Muslims will solve the problem to a great extent so far as the Sikhs are concerned. If at least a million of the Sikhs or so are brought to the Eastern Punjab and similar number of Muslims from Eastern Punjab is sent to Pakistan, after demarcating suitable boundary line, and Hindi speaking population of this Eastern Province is separated from the non-Hindi speaking population of this Eastern Province, then the Sikh problem is solved, The British Government and Your Excellency have devised means to give Hindus and Muslims their own separate countries, resourcefulness should not fail in the case of Sikhs and their problem must also be resolved to their satisfaction.

*Safeguards**

The Sikhs can exist as an entity in political affairs in Hindustan if the following safeguards are granted to them:--

(i) Federation of Hindustan:--

- (a) The Sikhs shall have at least one Minister in the Federal Cabinet.
- (b) 6% representation in both Houses of Federal Legislature.
- (c) Guarantee that the traditional strength of Sikhs shall be maintained in the Armed Forces of Hindustan both in Officers and Ranks.
- (d) Constitutional provision for protecting the Sikhs interests in case of major communal issues affecting the Sikhs.

(ii) Eastern Punjab and Other Provinces:--

- (a) 1/3rd share in the Legislature of the Eastern Punjab.
- (b) Convention that either of the Governor and the Premier of the Eastern Punjab Province shall be a Sikh.
- (c) Sikhs in Delhi and U.P. to have adequate representation in their respective legislatures and one seat reserved for Sikhs in the Western Bengal Legislature.

(iii) Dominion Act:--

- (a) In the Dominion Act which is now on the anvil provision shall be made empowering the Governor General to nominate a few representatives say 10 to each of the two Constituent Assemblies - existing as well as new - in consultation with the representative organisations of minority communities to give them some voice in the affairs of respective Constituent Assemblies, so that their case may be adequately represented and pressed in the constitution making bodies. This provision will neither upset communal balance in either of the Constituent Assemblies nor hurt general interests.
- (b) provision should be made for the inclusion of the representative of the Sikhs in both the Dominion Governments.

✕ See document No. 77 and 78.

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Lord Ismay to Sir Penderal Moon

I.O.R. M.B. 140.

Private and Personal

3rd July, 1947

Many thanks for your letter of 27th June.*

The Viceroy had an interview with Baldev Singh and Giani Kartar Singh on 20th June. Sardar Baldev Singh said that there was no sign at all of either of the major parties making any concessions to the Sikhs and I doubt very much whether there will be any settlement between them and the Muslims. Indeed all the emphasis at the interview was on concessions to be obtained from the Union of India and not from Pakistan.

The idea of eliminating the Hindi speaking parts of the Eastern Punjab and thus dividing the poor Punjab into three bits, instead of two, was put to His Excellency, but both leaders agreed that it was not possible for H.E. himself to meet their claims now. They seemed fairly content with his promise to write and draw the attention of the leaders to their requests and H.E. has done this.

From the point of view of avoiding a row in the Central Punjab, I expect that you are

right about the best course to adopt. But things have now gone much too far for to be able to take a hand' and if the provincial boundaries are again to be re-drawn, it would have to be done by the successor authorities.

Penderel Moon, Esq.

Sd/- Ismay

* See document No. 73.

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Lord Mountbatten to Pandit Jawahar Lal Nehru

I.O.R. M.B. 140

4th July 1947

Dear Mr. Nehru

As a result of discussions I have had from time to time with the Sikh leaders I should like to put to you their point of view.

2. They are naturally worried about the position in the PUNJAB where unless major alterations are made by the Boundary Commission, the Sikh community will be so divided that almost half will remain in the Muslim province of WESTERN PUNJAB.

3. They hope that the Boundary commission will make such major alterations, but that is not a point which immediately concerns the political parties. Apart from this, they ask for assurance that they will receive weightage in the Legislature of EASTERN PUNJAB. They hope also that they will have weightage in the Central Houses of the Union of India and a seat in the Union Government.

4. They have suggested that they should have special representation in the existing Constituent Assembly. Clearly I cannot help them on this point or, indeed on any of the others except by approaching you, but you may wish to consider the matter.

5. Finally, they have suggested that the transfer of population should be seriously considered in the PUNJAB.

6. I expect all these points have been put to you but I should like to tell you how much I sympathise with the Sikhs and how much I hope you will be able to help them.

Sd/- M.B.

The Hon'ble
Pandit Jawahar Lal Nehru.

Lord Mountbatten to Mr. M.A. Jinnah

I.O.R M.B. 140

4th July 1947.

Dear Mr. Jinnah

As a result of discussions I have had from time to time with the Sikh leaders I should like to put to you their point of view.

2. They are naturally worried about the position in the PUNJAB where, unless major alterations are made by the Boundary Commission the Sikh community will be divided into two almost equal parts.

3. They have asked for certain special considerations in the UNION OF INDIA and in the EASTERN PUNJAB but they also urge that the transfer of population should be seriously considered in the Punjab and I hope that at the proper time this will be considered by you, whether as the result of the Boundary Commission or otherwise. They also hope they will have weightage in the Central Houses of Pakistan and a seat in the Pakistan Government.

4. I sympathise with the Sikhs, as I am sure you do, and I hope everything possible will be done to allay their fears.

Yours sincerely,
Sd/- M.B.

M.A. Jinnah Esqr. M.L.A.

Item 6. Provincial High Courts-Effect of Partition on

Partition Proceeding Vols.IV P.118-120

The attached note describing the effect of partition of Lahore and Calcutta High Courts has been prepared by Mr. Sundaram O.S.D., S.G.G. (Reforms). The Steering Committee have considered the suggestions made therein and recommend that--

- (1) jurisdiction of the Lahore High Court should from the date of partition be limited to Western Punjab only;
- (2) from that date, a separate High Court, having jurisdiction over East Punjab and the

Province of Delhi should be constituted:

- (3) appointments to the new High Court should, as for existing High Courts, be made under Section 220 of the Government of India Act, 1935, by His Majesty after consulting the Central Government of the Dominion of India;
- (4) it will be necessary to give--
 - (a) an opportunity to the Judges, officers and staff of the Lahore High Court to choose which of the two High Courts they wish to serve, and
 - (b) an assurance that their salaries and other conditions of service will not be disturbed as a result of the division of the High Court;
- (5) with the East and West Punjab High Courts should (be given facilities to continue to) have their seat at Lahore and function in the buildings at present occupied by the Lahore High Court (as the West Punjab High Court) for a temporary period until suitable arrangements are made for its location in east Punjab or Delhi; the temporary arrangement should (in any case) cease before 1st March, 1948;
- (6) the division of staff and records should be undertaken forthwith and be completed with the utmost possible speed.

4th July, 1947

H.M. PATEL
MOHAMMAD ALI

Effect of Partition of the Lahore and Calcutta High Courts

When instead of the existing Provinces of Bengal and Assam we have three new Provinces of East Bengal, West Bengal and Assam under two independent Dominions, the jurisdiction of the Calcutta High Court, which now extends to whole of this area, will be affected. Similarly, in consequence of the division of the Punjab into two new Provinces, the jurisdiction of the Lahore High Court, which now extends to the whole of the Punjab and the Province of Delhi, will also be affected. Express provision will, therefore, have to be made by Statutory Orders under the Act of Parliament in respect of both these High Courts before the appointed day for partition.

2. The first question is whether it would be possible (a) for East Bengal and (b) for East Punjab and Delhi to set up their respective High Courts before the 15th of August within their own territories. The work involved is considerable. The location of the new High Courts will have to be settled first and this will depend on the final settlement of the boundaries of the new Provinces and of their capitals. Assuming that suitable buildings are available, or can be made available, at the place chosen, the task of dividing, the staff of the High Courts after ascertaining their wishes in the matter, separating the records, transferring both staff and records to the new locale and making all necessary arrangements for the proper functioning of the High Court, will probably take much longer period than six weeks. I would therefore, answer the question in the negative.

3. To take the Lahore High Court first, the best course seems to be to provide that as from the 15th August--

- (1) The Lahore High Court shall cease to exercise jurisdiction in East Punjab and Delhi.
- (2) A new High Court consisting of a Chief Justice and 6 or 7 puisne judges shall be established for East Punjab with jurisdiction extending to the Province of Delhi. This High Court may be called for the present the East Punjab High Court to distinguish it from the Lahore High Court which will continue to exercise jurisdiction in West Punjab.
- (3) The East Punjab High Court will as a purely temporary measure have its seat at Lahore and function in the same buildings as the Lahore High Court.
- (4) All existing judges of the Lahore High Court will be asked (as soon as a decision is taken) to say whether they wish to become judges of the East Punjab High Court or to stay on in the Lahore High Court. The conditions of service in the East Punjab High Court will have to be made clear to them before they make their choice and it is suggested that they should be given an assurance that their salaries and other conditions of service will continue to be the same.
- (5) All officers and members of the ministerial establishment of the High Court should similarly be given a choice between the two High Courts.
- (6) The division of staff and records should be undertaken forthwith and be completed as rapidly as possible. The summer vacation of the Lahore High Court which, I understand, is from the 18th July to the 28th September, will facilitate this work especially if one or two more judges and all officers are retained on duty during the vacation and instructed to complete this work, if not before the 15th August, at any rate before the 28th September.

4. The same procedure may be adopted in respect of East Bengal.

5. Both in the Punjab and in Bengal, the new High Courts will not be established by Letters Patent of His Majesty under the existing Government of India Act, but by means of an order of the Governor General under the contemplated Act of Parliament setting up the Indian Dominion. This immediately raises the question as to who will be the authority competent to appoint the judges. Since the provisions of the Government of India Act, 1935 relating to appointment of judges of all High Courts as defined in Section 219 (which include not only the chartered High Courts but also the Chief Courts of Oudh and Sind, and the Judicial Commissioner's Court of the N.W.F.P.) will presumably continue in force for the time being, the judges of the two new High Courts may also be appointed under Section 220 by His Majesty. The question whether such appointments will be made after the date of transfer of power on advice from the Dominion Government or the Provincial Government concerned will require to be decided.

K.V.K. SUNDARAM

Sardar Baldev Singh to Major J.M. Short

*India Office Library & Records
IOR. MSS. Eur F/189/18-19*

17 Tuglak Road
New Delhi
July 5, 1947

My dear Billi

Sant tells me that he has sent you a cable. I hope you have already made arrangements as desired by him. Please treat it as very very important and do manage to come.

You know the personnel of the Boundary Commission. The Chairman is coming from England. I am told that he is a very fair minded person. I wish to engage an eminent King's Counsel to represent our case before the Boundary Commission. Could you make enquiries and suggest suitable names with their remuneration?

With kind regards,

Your sincerely,
Sd/- Baldev Singh

Major B. Short,
Birchden Corner,
Groombridge,
Sussex.

**Chairman of Boundary Commission
Sir Cyril Radcliffe**

The Times London July 5, 1947

The following announcement was made in London and Delhi Yesterday:- With reference to the announcement recently made regarding the Boundary Commission. The Governor General is pleased to appoint Sir Cyril Radcliffe, K.C., as chairman of two Boundary Commissions, one of the Punjab and the other for Bengal.

Sir Cyril Radcliffe, K.B.E., K.C., is one of the leaders of the English Bar. He was appointed King's Counsel in 1935, and became a Bencher of the Inner Temple in 1943. In the Ministry of information, of which he was director general when the war ended. In 1945 he returned to the Bar, where his practice in the Judicial committee of the Privy Council has

included Indian appeals. He is Vice-Chairman of the General Council of the Bar.

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Record of Decision of the 5th Meeting of the Punjab Partition Committee held on Monday, the 7th July, 1947, at 11.00 a.m. in the Secretariat.

A.P.C. and D.P.P.C. preserved in P.B.R. (Partition Branch Records Punjab Govt. Chandigarh)

Present

His Excellency the Governor
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Mr. A.K. Chandra (in advisory capacity)
Mr. M.R. Sachdev Joined by S. Yaqub Shah later on.

Agenda Item No.1

Note by the Steering Committee

We are in general agreement with the recommendations of the Expert Committee 'C'

If the Partition Committee agrees, action along the following lines will be taken at once:-

- (I) Printed records should be made available to both the new Governments so as to ensure that they get at least one complete set each. Where there are several printed copies of the same record, these may be distributed in a proportion agreed upon between the two officers on special duty selected to reorganise the Departments concerned under the two Governments (These officers may for facility of reference be referred to as Reorganization Officers).
- (II) Unprinted records of local importance to the provinces should be sorted out at once under the supervision of the Reorganization Officers and allocated to the Provinces to which they relate.
- (III) Unprinted records relating to general policy and of general importance will have to be duplicated at once and the recommendations of the Expert Committee in paragraph 4 of their report should be accepted. The departmental committees should consist of equal number of Muslim and non-Muslim official not below the rank of Deputy Superintendents and they should work under the General Supervision of the Reorganization Officers of the Department concerned. All differences of opinion should be referred to these officers or their nominees.
- (IV) The recommendations of the Committee in paragraph 5,6,7,8 and 10 of their report should be accepted. Instead of the term "Heads of Department" we should substitute

“Reorganization Officers of the Departments.”

- (V) Any differences of opinion in the matter of duplication, allocation and division of records between the Reorganization Offices should be referred to the Expert Committee ‘C’ for decision.

Report of the Committee for Services and Records on Records in connection with the Partition of the Punjab.

The records maintained in the various officers of the Punjab Government may broadly be divided into three categories:

- (a) Records of local importance
- (b) Records relating to policy and of general importance and,
- (c) Mixed records not falling under either of the categories (a) and (b).

2. All records are either printed or unprinted. The only departments which possess printed records (or which spare copies are available) are the Punjab Civil Secretariat, The Financial Commissioners Office and to a small extent, the irrigation Secretariat. The printed records belong largely to category (b). It is recommended that complete sets of them may be made available to the both new Governments irrespective of the subject or the area to which they relate.

3. Turning to unprinting records, the records belonging to category (a) above present no difficulty. They can be allocated to the Province to which they relate and it is recommended that each department should take up the work of allocating them to the two new provinces forthwith.

4. It is obvious that records relating to general policy of general importance which have not been printed must all be duplicated but duplication of the entire records may not be necessary because it is likely that these records will contain ephemeral or unimportant papers also. It is, therefore, recommended that in each department a committee should be set up without any further delay. The functions of each departmental committee in respect of the records of its department will be

- (a) to arrange for examination of each records with a view to its determining the extent to which the record requires duplication.
- (b) to arrange for duplication of the portion of the record which requires to be duplicated and
- (c) to allot the original file to the new province to which it mainly relates. Obviously the copy of the record will be allocated to the other province.

5. It is recommended that the duplication of the mixed records may also be entrusted to departmental committees described in the last proceeding paragraph. In the case of mixed records it will have to be examined first whether a particular record or file requires to be split up or duplicated at all. If the record is not worth either splitting up or duplication, the

departmental committee can proceed to allocate the record to either of the two new Provinces as it may seem fit forthwith, if, on the other hand, the record requires either splitting up or duplication, or both the Committee will follow the procedure outlined in the proceeding paragraph in respect of records of general importance and policy.

6. It is further recommended that the work of examination of records and their duplication and splitting up should begin simultaneously. For this purpose the heads of various departments should be authorised to engage such additional staff of typists and daftries as may be found necessary to carry out the work.

7. It is anticipated that the work of separation and duplication of records will be completed in some departments before the due date fixed for the partition of the Province. In case of other departments, however, this will not be possible. In such cases, it is recommended that it may be left to the proposed heads of departments of the two new provinces to arrange for the Joint custody of undisposed of records and their duplication.

8. The expenditure in connection with the duplication and separation of records upto the date of partition will be from the revenue of the Punjab. Thereafter it will be shared in equal proportion by the Two new Provinces.

9. If the above recommendations are approved the Services and Records Committee may be made responsible for implementing them. In particular, this Committee may be authorised to take necessary steps to devise forms of periodical returns which will enable it to watch the progress of the work of separation and duplication in the various departments.

10. The Committee has also considered the question of departmental libraries. The Committee is of the view that these libraries should be divided between the two new provinces on an equitable basis. The actual division will not take much time and it may not be expected to present any difficulty. It is suggested that it may be left to be carried out by mutual agreement between the existing heads of departments and the proposed new heads of departments. The committee did not take into consideration the separation of historical records because it was given to understand that a Special Committee was likely to be appointed for that purpose.

Decision

The proposals of the Steering Committee were approved.

Agenda Item No 2.

Board of Economic Inquiry, Punjab
Note by Mr. M.R. Sachdev

The Board of Economics Inquiry was founded in 1919 and is incorporated under the Societies Registration Act 1860 (copy of Memorandum of Association appended). It has undertaken and published a large number of economic study, particularly on rural subjects.

It is financed almost entirely by Government. A Statement of estimated income and expenditure for the year 1947-48, a statement showing the amount at the credit of the Board and its Liabilities on 20th June, 1947, and a statement showing the nature and the value of its physical assets and statement, showing the publications of the Board to look and their value are attached. The Board has no other assets.

2. The staff of the Board consists of Research Staff, recorders office staff and menial staff. All these officials were asked to state their preference in the matter of serving Eastern or Western Punjab and their replies have been received. These show:-

Research Staff

<i>East Punjab</i>	<i>West Punjab</i>
14	6
10 Office Staff	10
13 Lahore Survey Recorders	15

3. The possibilities in regard to the future of the Board appear to be:-

- (a) to retain the Board as a Joint Institution for agreed period with adjustments in its constitution or
- (b) to let one of the two Governments take it over as it stands; or
- (c) to wind it up entirely leaving the two Governments to make their own arrangements; of
- (d) to split it up into two Boards, one for Western and other for Eastern Punjab.

4. One view can be that it is a non-Government Institution and, is, therefore, not affected by the partition of the Punjab. The other view to which after due consideration, we subscribe is that it is a semi Government Institution run almost entirely with Government money and by officials or nominees of the Punjab Government. I should, therefore, like other Government Institutions be suitably divided. We recommended the alternative at (d) in paragraph 3 above. The Board should be split up into two, the employees being allowed to go to the East or to the West in accordance with their choice. It would be for the two future Governments to decide which of the temporary staff they would wish to retain.

5. The assets of the Board consist of:-

- (i) Publications which can be divided between the two Boards on the following basis:-
 - (a) Publication relating to the West Zone should go to the West excepting a few copies that may be given to the East.
 - (b) Publications relating to the East should go to the East excepting a few copies that may be given to the West; and
 - (c) Publications relating to both East and West may be divided in the proportion of 4:6.

- (ii) Moveable property and books and publications in stock to be divided according to the amounts due to the employees going to the East and the West. Cash balances outstanding on 15th August, 1947 less unliquidated liabilities should be distributed between the East and West in the proportion of 4:6.

6. If the above proposals are accepted, we would recommend that a small committee of the senior employees of the Board consisting of an equal number of Muslims and Non-Muslims should be set up to give effect to these decisions.

Decision

It was agreed that a recommendation should be made to the Board of Economics Inquiry, which is not a Government Organization that the Board should be split up into two on the lines suggested by the Steering Committee. The actual work of partitioning the Board should be entrusted to two members of the Board, one Muslim and the other non-Muslim, instead of two officials as mentioned in Mr. Sachdev's note.

83

Pandit Jawaharlal Nehru to Lord Mountbatten

I.O.R.M.B. 140

17 York Road
New Delhi
7th July 1947.

Dear Lord Mountbatten

Thank you for your letter of the 4th July regarding your discussions with Sikh leaders.*

2. We appreciate thoroughly the anxiety of the Sikhs. They have been hard hit by this division. They might be helped somewhat by the decisions of the Boundary Commission. As for assurances in regard to weightage etc., I fear this raises complicated issues. All our troubles, or nearly all, have been due to separate electorates and the system of weightage, originally introduced for the Muslims. It became clear that this did little good to the minority concerned and only created separatist tendencies. The addition of a seat or two makes no essential difference. But it means the acceptance of a fundamentally wrong principle. Once admitted, this principle leads to far-reaching consequences and ill-will. It is possible of course, that without weightage and separate elaborate some kind of reservation might be given with freedom to contest the general seats also. We should like to help any minorities getting additional seats from general constituencies.

3. The question of transfer of population does not arise immediately. If the people

concerned desire it, it must be seriously considered.

Yours sincerely,
Sd/- Jawaharlal Nehru

His Excellency
Viscount Mountbatten of Burma,
Viceroy's House,
New Delhi.

* See Document No. 77

84

**A Record of Decision of the 6th Meeting of the Punjab Partition Committee
held on Wednesday, the 9th July, 1947, at 10.00 a.m., in the Secretariat**

A.P.P.C. and D.P.P.C. Partition Branch Records, Punjab Govt. Chandigarh)

Present

His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana.
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Mr. A.K. Chand (in advisory capacity)
Messers Yaqub Shah and Sachdev

Agenda Item No. 6 of the 5th Meeting

Mr. A. Zahid Hussain's note was considered and was accepted in principle. It was agreed that after the Partition Committee had decided about the posting of Officers, who were willing to serve either the East or the West, it was for the Governor to act on the advice of the representatives of the Muslims or the non-Muslims and not the Partition Committee as a whole to order postings in their two respective zones.

Sardar Swaran Singh raised the following two points:--

- (a) The notional boundary was not the final boundary between the two future Provinces and until the Boundary Commission had given its award whether before or after the 15th August, it would be impossible for representatives of the two Governments to decide their postings in districts or areas, in respect of which there was some doubt whether they would finally go to the East or to the West. It was considered that some sort of agreement was necessary as to the districts or areas that were in dispute and as to the manner in which postings to these places should be made. The further

consideration of this matter as postponed.

- (b) It was considered necessary to reach an agreement about the continuation of the two sets* of offices of the Governments of the East and the West of Lahore pending the award of the Boundary Commission. This was agreed to by Mian Mumtaz Muhammad Daultana representing the Government of the Western Punjab.

Decision

Before the agenda was taken up, Mian Mumtaz Muhammad Daultana raised the questions referred to in item 6(a) and (b) of the record of decisions of the 5th meeting of the Punjab Partition Committee held on the 7th July. As no agreement could be arrived at, it was decided that the matter should be referred to Party Representatives/Partition Council at the Centre. The points at issue were as follows:-

On the assumption that the Boundary Commissions' award is not available by the 15th August and the present Independence Bill before the Parliament is enacted into law,

- (i) Should the Government of Eastern Punjab be permitted and to administer Eastern Punjab from Lahore as headquarters or should it move to a place in Eastern Punjab?
- (ii) What arrangement will be made for the administration of disputed areas and institutions situated therein. It was stated by the two parties that the district affected would be Ferozpur, Hoshiarpur, Jullundur, Ludhiana, Gurdaspur, Lahore, Sheikhpura, Gujranwala, Amritsar, Montgomery, Lyallpur and Multan. It was agreed that both the Parties will state their cases separately.

* Secretariat According to S. Yaqub Shah
Headquarters According to Mr. R. Sachdev

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MINUTES OF THE FOURTH MEETING OF THE PARTITION COUNCIL HELD ON THURSDAY, THE 10TH JULY, 1947, AT 10 A.M.

**Presented note by the Cyril Radcliffe, Chairman of the Boundary Commission
Regarding Indian Independence Bill (Clauses 3 and 4)**

*Partition Proceedings, Vol. IV, p. 144
Case No. PC/26/4/47*

His Excellency (the Viceroy) circulated the following note which had been handed to him by Sir Radcliffe, Chairman of the Boundary Commissions and said that he would like approval of sending a cable to H.M.G. immediately to effect the necessary amendment to the Bill.

"I think that the provisions of the Indian Independence Bill (clause 3 and 4) dealing with the "awards of Boundary Commissions" need clearing up.

The Bill, as drawn, does not say what is to be represented by an "award." We have to envisage not merely that it may have to be arrived at by a majority, dependent on the Chairman's casting vote, but that it may in fact consist of a series of decisions, some of them arrived at by a majority on one side, some by a majority on the other.

Unless there is something in the Bill covering this explicitly, I think that dissatisfied people might afterwards maintain that majority decisions did not amount to a valid award at all.

I suggest adding a new sub-Clause to clauses 3 and 4 on these lines:--

"For this purpose the award of a Boundary Commission shall mean the recommendations of the Chairman of that Commission contained in his Report to the Governor-General at the conclusion of the Commission's proceeding."

Points in discussing the note were that the expression "casting vote" was inaccurate in that it implies that the Chairman had two votes, a casting vote in addition to his own. It was accepted that this was not the intention, and that the Chairman would have only one vote. After some discussion the position was clarified as being that the members of the Commissions, were akin to assessors and the Chairman would act in the role of Umpire and give his awards.

It was agreed that the draft circulated should be communicated to H.M.G. with this amendment that the first two lines should read.

"For this purpose the award of a Boundary Commission shall mean the decision of the Chairman . . ."

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Deputation of Sikh V.C.O's and Soldiers: Minutes of the Fourth Meeting of the Partition Council Held on Thursday the 10th July, 1947

Partition Proceedings, Vol IV, p. 146
Case No. PC/31/4/47

Mr. Jinnah pointed out that although he was doing every thing in his power to retain a hold over the Muslim sections of the population concerned to honour the undertaking given that the findings of the Boundary Commissions, whatever they were, would be accepted, he had noticed that the Sikh leaders were still reported to be inciting their followers to offer active resistance to decisions which they might regard as unfavourable. It was reported that active preparations for resistance were being made and that oaths to resist were being taken. The impression on the Muslim mind was that the Sikhs were carrying on this agitation in order to influence the decisions of the Boundary Commission. In consequence any suggestion that a Sikh deputation was being received to raise the question of boundaries would have a most undesirable effect.

His excellency reiterated that he had made it abundantly clear to His Highness the

Maharaja Patiala, S. Baldev Singh, Master Tara Singh and all other Sikh leaders, with whom he had interviews, the consequences of any attempt to offer active resistance. No responsible government would tolerate for a moment such action, which would be met by the immediate employment of the regular armed forces of India. In view of the superiority in aeroplanes, tanks, artillery etc. that the armed forces enjoy, such action would inevitably result in very severe losses being inflicted on those who would only be armed with rifles and out-of-date weapons. He reaffirmed his hope, therefore, that the Sikh leaders would be able to restrain their followers. His Excellency said he had been assured by Sir Cyril Radcliffe that he will be able to submit his reports by the 14th August. In conclusion His Excellency said that he would communicate with H.H. the Maharaja of Patiala, and make it clear that if he received the deputation no questions regarding boundaries could be brought up; and if the deputation were received this fact would be made very clear in a press note.

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A Record of Decisions of the 7th Meeting of the Punjab Partition Committee held on the 10th July 1947, at 10.30 a.m. in the Secretariat.

Partition Branch, Records, Punjab Govt., Chandigarh

His Excellency the Governor, Punjab
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers Yaqub Shah and Sachdev,

Decision Item No. 1

The report of Messers Ram Chandra and Akhtar Hussain on the allocation of I.C.S. officers between Eastern and Western Punjab was considered. The following decisions were made:--

- (1) The 27 officers, who had expressed their willingness to serve in the Western Punjab and 27 officers, who had similarly expressed their willingness for the Eastern Punjab, should be sent offers of employment by the Chief Secretary on behalf of the representatives of the two future Governments. They will be given necessary guarantees similar to those given by the Government of India in their Home Department letter no. 160/47-R.R., dated the 18th June, 1947 and their Partition office letter No. P.O.A-I-(3)/I, dated the 21st June, 1947.

Agenda Item No. 3 of 9th July

The Committee has considered the question of the physical division of machinery,

equipment installed/uninstalled and in order, and stores attached, in places like the Central Workshop, Amritsar, certain other workshop and the Irrigation Research Laboratory--all under the administrative control of the Irrigation Branch. The committee is divided evenly on the point whether such assets should be moved from one zone to the other. The point of view is that these assets should not be considered at all for physical division. The opposite view is that if shift of these assets is technically feasible and otherwise proper, it should be considered. The Committee feels that this is an important question of principle and the decision taken on it would influence the disposal for similar assets in other places like the Government Printing Presses and Research Laboratories etc. The Committee will be grateful if the Steering Committee will obtain and communicate the decision of the Partition Committee on this question of Principle.

Sd/- S.K. Kripalani-8-7-57

Chairman

Committee on Division of Physical Assets.

Draft decision on distribution of movable assets.

The Partition Committee understands that the reference from the Physical Assets Committee embodied in Mr. Kripalani's note concerns such assets as (a) are immediately movable; or (b) can be moved without structural attestation of immovable assets. Examples in category (a) are vehicles, uninstalled machinery, examples in category (b) are installed machinery and laboratory equipment.

2. The Partition Committee lays down the following Principles for the distribution of the assets referred to in paragraph 1;

- (i) The main considerations are the benefit and convenience of both Governments.
- (ii) If the assets can be so distributed as to give both Governments independent and efficient service, they should be distributed.
- (iii) If on the other hand distribution will leave one or both Governments with a service greatly inferior to that available at present, the assets should not be distributed, but should remain for an agreed period available to both Governments. At the end of that period it is to be presumed that the Government not taking over the assets will have made its own arrangements.
- (iv) A distinction should throughout be drawn between individual items such as vehicles, road-rollers, and standard power units which can be operated efficiently anywhere, and institutions such as workshops and laboratories which may have been designed or built up as fully equipped units.

E.M. Jenkins

Decision Item No. 4

The report of the Committee "D" relating to the use of training and Research

Institutions in the Punjab was considered. His Excellency observed that after decisions had been made by the Partition Committee on important matters affecting partition, the Governor-General, will issue orders which will have the force of law until they were revoked by either of the successor Governments. The papers, when ready, will therefore, have to be sent to Legal Remembrancer for drafting appropriate Partition Orders.

The report of the Committee was approved subject to the following modifications:-

- (a) As regards capitation fees, the Orissa formula was accepted. This was subject to the decision that may be arrived at the Centre with regard to payment of capitation fees in similar cases between Pakistan and India. It was agreed that the decision of the Punjab Partition Committee in this matter should be brought to the notice of the Central Steering-Committee.
- (b) The ratio of 35:65 in the matter of admissions was not acceptable to representatives of the Eastern Punjab and they wanted this ratio to be 40:60. It was agreed that this question should be discussed again on Saturday, the 12th in the presence of the two of the members of the Expert Committee, namely. Messers C.N. Chandra and Sharif.
- (c) As regards Jails, it was agreed that there should be a stand still arrangement in respect of Central Jails for a period of six months during which convicts under trials and detenues belonging to the Eastern Punjab will continue to be confined where they happened to be on 15th August, 1947. This was because all the "notional division" and it was considered necessary that the Government of the West should give reasonable facilities to the prisoners belonging to the Eastern Punjab to enable the Government of the latter to make their own arrangements. This will be subject to payment of usual charges.
- (d) There should be a similar stand still arrangements in regard to the Police Training School, Phillaur and the Finger Print Bureau, but a report should be first called from Sir John Bennett and Mr. Qurban Ali Khan who should be asked to let the Steering Committee have their views as early as possible.
- (e) The Co-operative Department Institutions should be excluded from the Appendix C (Part II) of the Report as they were being dealt with separately.
- (f) The future of the Hindu Widow's Normal School at Lahore was for the future Government which will have jurisdiction over Lahore, to decide. If the Institution continues to run as before, it would be treated in the same manner as other Institutions of Provincial character in respect of which arrangements were approved for admission of students from the East and the West, and
- (g) As regards the staff of the various institutions of a Provincial character, the same principles as would be agreed upon between the parties in respect of other Government servants, shall apply and their transfers regulated over a suitable period at time, so that the efficiency of these institutions is not impaired.

Agenda Item No. 5

Mr. Bhide's note on the partition of certain co-operative institutions is put up. Mr. Bhide is of the opinion that the co-operative institutions, which operate throughout the province, namely, the Punjab Co-operative Union, the Punjab Provincial Co-operative

Bank, the North Western Railway Co-operative Society and the Central Industrial Bank, Amritsar cannot possibly continue as at present and must be partitioned in view of the partition of the Punjab into two provinces which will form parts of two separate dominions. There are also a number of credit societies with offices in Lahore and elsewhere which will have to be partitioned also. It would appear that neither the 1912 Act which operates in the Punjab, nor the by-laws of these societies contain any provision to meet the extraordinary contingency which has arisen on account of the partition of the Province. In these circumstances, the Registrar, Co-operative societies considers that the only solution is, for His Excellency the Governor to issue an Ordinance with the agreement of the members of the Punjab Partition Committee. The Ordinance should provide for the following:--

The Registrar should be authorised to pass orders splitting these institutions into two, one to operate in the East Punjab and the other to operate in the west Punjab, there should be no appeal against the order of the Registrar. The Registrar should also be authorised to carry out his orders at once. The orders of the Registrar will be put up before the Partition Committee for their approval before issue.

The Financial Commissioner, Development supports the proposals of the Registrar, Co-operative Societies. The members of the Steering Committee are of the view that the question raised are of considerable complexity and importance and require immediate examination by an Expert Committee consisting of -

- (1) Mr. Bhide, Registrar, Co-operative Societies.
- (2) Officer on Special Duty, Co-operative Societies for Western Punjab.
- (3) Legal Remembrancer - Nawab Singh
- (4) Sheikh Abdul Haq.

The case is put up before the Partition Committee for decision.

Sd/-Yaqub Shah. 9/7/47
Sd/-M.R. Sachdev 9/7/47

Decision

The proposals of the Steering Committee were accepted.

Their terms of reference will be to report within a week.

- i. The number and names of co-operative societies of provincial character;
- ii. Whether all or any of them should be partitioned.
- iii. If so, the best method of partitioning them having regard to the interests of shareholders, depositors and co-operation generally;
- (iv) If partitioning is not recommended, what would be the best method of dealing with these institutions after the partition of the province, and
- (v) Any other matter not covered by the above which the Committee feel should be brought up in connection with the future satisfactory set up of these societies in view of the impending partition.

Lord Ismay to Lord Mountbatten

I.O.R. R/2/1/163

Cypher telegram OTP

Secret
2211-S

From: Secretary of State
 To - Viceroy
 8919. Dated 10th recd 11th July 1947 (Too. 2225)
 (TOR-0600).

Immediate

Secret. Viceroy from Ismay. Before we first went to India Stafford Cripps recommended that you should take Short as Sikh expert (.). I suggested it would be better to wait until we saw whether he was necessary or not. Since then I have kept in touch with Short who has great knowledge of and influence with Sikhs.

2. Baldev Singh and Sant Singh have now telegraphed him an invitation to go to India, obviously in connection with Boundary Commission. My strong hunch is that he might be of help in keeping Sikhs quiet and my idea is that he should be attached to my staff as a temporary measure for 2 months. It would not I think be right for him to be on Your Excellency's staff. Cripps entirely agrees with this and Prime Minister approves subject to your consent.

3. If you will telegraph approval I will arrange terms etc. here. Presume Short could be put up in one of the Messes like Phillips was.

4. Baldev has also asked Short to engage a K.C. to represent Sikh case before Boundary Commission* and Cripps has recommended HOLMES.* This is of course their private affair and has nothing to do with us but I thought that you ought to know.

* See Document No. 80

**A Record of Decisions of the 8th Meeting of the Partition Committee
held on the 12th July 1947 at 10.30 a.m. in the Secretariat**

A.P.P.C. and D.P.P.C. Partition Branch Record Punjab Govt. Chandigarh.

Present

His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana.
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers. Yaqub Shah and Sachdev

Referring to item 4(c) His Excellency the Governor pointed out that the stand still arrangement shall have to be in respect of all Jails and this was accepted. It was further decided that the two officers dealing with the organisation of the Jails Department in the East and the West should go into the question of cross-payments that may be necessary in respect of prisoners in the two provinces, and draw up a programme of transfer of such prisoners and submit their report to the Steering Committee as early as possible.

Item 2

S. Yaqub Shah circulated copy of note on item 2, which is attached. It is agreed that effort should be made to accommodate staff which will be surplus in the East and Vice-versa and in this matter the Officers on Special Duty should endeavour to come to settlement after mutual consultation. In doing so, officials, who were prepared to serve on a voluntary basis might be selected and the distribution should be on as fair and reasonable a basis as possible. Any difference of opinion should be referred to the Steering Committee for decision.

On the suggestion of His Excellency the Governor the following decision on the Reorganisation of Secretariat and Headquarters officers were accepted:-

- (1) The object is to ensure that on 15th August, both Governments have secretariats and Headquarters capable of functioning independently.
- (2) Mr. Akhtar Hussain and Mr. Ram Chandra will be in charge of all arrangements in the Secretariat proper, and will exercise general supervision over the proceedings in other Headquarters offices.
- (3) In Headquarters offices other than the Secretariat proper, the officers appointed to reorganise the Cadres will be incharge of all arrangements,
- (4) The first stage will be the separation on paper of gazetted officers and all non-gazetted personnel including messengers and servants, stationery; duplicating machines, typewriters, cycles etc. The sorting of records will begin during this stage.

(Note - The division of furniture, equipment and other physical assets will be provisional and final decision will be made when physical assets at Simla have been taken into account. Provisional the ratio 40 East-60 West should be taken as suitable.)

- (5) The second stage will be the Physical separation (so far as this is possible) of personnel, furniture, equipment and records within the accommodation now available. The separated parts of each office of department should still be readily accessible to each other.
6. The third stage will be the final separation. When the two Governments will begin to transact business and the line between the separated parts of each office or department will be broken except in so far as it is retained temporarily for the sorting and duplication of records.
7. The following programme will be observed:-
 - (i) Reorganisation Officers will be in position in all offices and Departments by 15th July.
 - (ii) First stage to be completed by 22nd July.
 - (iii) Second stage to be completed by 5th August.
 - (iv) Secretariat and Headquarters of offices to close except for urgent work from 10th August.
 - (v) Third stage to be completed by 14 August afternoon when the two new Secretariats and the two sets of Headquarters offices will re-open.
8. Personnel will be divided in accordance with the instructions already issued.
9. A progress sheet will be maintained by Mr. Akhtar Hussain and Mr. Ram Chandra for the programme set out in Paragraph 7 above.

Agenda Item No.5

The Steering Committee recommended that, as suggested by His Excellency the Governor--

- (i) the furniture, carpets and curtains should go with the two houses;
- (ii) other equipment such as China glass, cutlery, etc. should be divided equally, except for the bed linen and blankets which might be divided according to the number of bed-rooms in each house;
- (iii) the financial adjustment in regard to the two houses should be limited to the book value of the two houses and their fixtures.

The two residences of the Governor in the Punjab are Government House, Lahore and Barnes Court, Simla.

2. On the assumption that these two houses will be handed over to the Governors of

the Western Punjab and East Punjab respectively on 15th August, it is necessary to consider

- (a) the physical distribution of the property, and
- (b) any financial adjustments connected with partition.

3. As regards (a) I explained to the Partition Committee this morning, the houses with their fixture and the gardens are in the charge of the Public Works Department Building and Roads Branch. Since the houses and land cannot be moved, they must stay where they are.

Each house has its own furniture carpets and curtains, such as China, glass, cutlery, silver, house and bed linen, and blankets, and a certain amount of camp equipment and camp furniture.

In the physical distribution the object should, I suggest, be to give both Governors a fair start. I would divide all these items equally, except for the bed linen and blankets which might be divided according to the number of bed rooms in each house.

If the Partition Committee agree that this arrangement is suitable, any Military Secretary will settle the details with the Personal Staff of the two new Governors when they are appointed.

4. Turning to (b) I had not myself thought of any financial adjustments, since the two houses are unproductive and though considerable sums have no doubt been spent on them over a long period of time, they are both old buildings. I suggest that in any case the financial adjustment might be limited to the book value of the two houses and their fixtures.

Sd/- E.M. Jenkins
8.7.47

Decision

The recommendation of the Steering Committee was accepted. It was pointed out by His Excellency the Governor that there were 4 vehicles - one Chevrolet lorry 1937, I Packard 6, 1937, I Packard 8, 1941 and I new Packard 1946, which will have to be divided between the two Governors. The 1946 Packard cars and the lorry could go to one Governor and the two remaining Packed Cars could go the other and this might be left to be decided by the Military Secretariat to the two new Governors. This was approved.

Item 6.

(Not on the agenda), S., Yaquib Shah raised the question of the evaluation of unproductive assets and it was agreed that in such cases, book value should be adopted, and where this was not available, estimated book value should be obtained. This was subject to a similar decision at the Centre and this decision did not apply productive assets (e.g. irrigation and hydro-electricity).

Lord Mountbatten to Lord Ismay

I.O.R. R/2/1/163
Telegram Grade C

From: Viceroy
 To : Secretary of State
 No. 1908-S dated 12th July 1947 (TOD 1630).

IMPORTANT

For ISMAY

Your 8919 of 10th July.* SHORT. I agree he should come but as I have just had to refuse to receive a Sikh delegation** re-Boundary Commission on the grounds that terms of reference have been settled by leaders, I feel even attachment to your staff would be tricky. Why not let him come out as Baldev Singh's guest since he invited him. You could give him a lift in York and maintain informal contact.

- * See Document No. 80 and 88.
- ** See Document No. 86.

Viceroy's Conference Papers 128

I.O.R. M.B. 127

SECRET

13th July, 1947.

THE PUNJAB

General

I (George Abell) had a long talk with the Governor of the Punjab last night and I attach at Annexure I a copy of a very brief appreciation of the situation which he prepared. There is no doubt that the Sikhs are in a dangerous mood and Giani Kartar Singh, who saw the Governor on the 10th July, practically delivered an ultimatum to the effect that the Sikhs would not accept the notional boundaries and would go in for guerilla warfare after 15th August. I attach at Annexure II an interview note which shows how very frank the Giani was about the Sikh intentions.

The Possibility of a Ministry

I discussed this subject very fully with the Governor. I was surprised to find to what an extent the representatives of the successor authorities are already consulted and allowed to have their way about all matters other than law and order. For instance, all proposals for transfer of assets of the Punjab Government of any kind, all transfers of personnel, all important contracts, all expenditure over Rs. 5,000, all leases of land and so on are referred to the Steering Committee and they consult their Principals (i.e. the League and the Congress) wherever necessary. Thus the position is that the parties are fully in touch except over law and order. The difficulty about law and order is that the problem relates primarily to Lahore and Amritsar. These and especially Lahore are disputed cities. If even regional ministries are secured, Lahore has to be handed over to the care of the Muslim League group and since the Sikhs absolutely refuse to accept the notional boundary the result would inevitably be a major explosion. Similarly, there would probably be serious trouble in Amritsar if the Congress and the Sikhs took over law and order in that city before the Boundary Commission has reported.

I came away, therefore convinced that in present circumstances and in the absence of any effective demand for any form of Ministry it is necessary to leave things for the time being as they are.

Partition work

The Governor considers this is going ahead very slowly but it is more advanced than in Bengal. Decisions are practically complete about the splitting up of the Services and a settlement has been reached about joint institutions. Now that an agreement has been reached at the Centre over the High Court this also will present no difficulty. There is however, no settlement yet about the division of assets and this is the hard part of the work. Undoubtedly there will be a great many loose ends on the 15th August but, subject to one point which I mention below, I think that it will be possible for a new Government to be set up.

References to Arbitration

There is a deadlock in the Partition Council (Partition Committee) and the Parties wish to refer dispute, on the lines of the following issues, to the Central Arbitral Tribunal which has not yet been set up.

1. Should the partition proceedings continue on the basis of the notional boundary or should they be stayed pending report of the Boundary Commission?
2. On the assumption that they should proceed on the basis of the notional boundary should both Governments be located in Lahore until the Boundary Commission passes its award?
3. On the same assumption what arrangement should be made for the interim administration of districts in dispute?

Boundary Commission

The reservation to which I referred is about the unwillingness of the Sikhs and the Hindus to set up a Government at all, except in Lahore on 15th August. They consider that to move from Lahore would prejudice their claim to the city and absolutely refuse to recognise the notional boundaries. The Governor's view is that there is something in the claims of the Sikhs to a part of the fertile colony land of Montgomery District, since they were pioneers in establishing the new canal colonies in that District and in Lyallpur. If this could be arranged he thinks a settlement out of court with the Muslim League might be possible. The Governor is convinced that the Boundary Commission will not be able to produce an award which will solve the problem except by negotiations out of court, He is also convinced that if there is no compromise the Boundary Commission will not be able to finish their work by 15th August.

Recommendations

H.E. the Governor agrees with the following recommendations;

1. There should for the present be no attempt to form a Ministry.
2. Y.E. or a member of your staff should tackle Mr. Jinnah and ask him whether the Muslim League would not be prepared to negotiate out of court with the Sikhs in order to prevent the confusion and bloodshed which is probable otherwise. In particular he should be asked whether the League would consider offering voluntarily some territory in Montgomery District so as to facilitate transfer of population and property.
3. YE. should talk to Pandit Nehru or Sardar Patel and persuade them that it is essential to get the Congress and the Sikhs to drop their claim to stay in Lahore and to hold up all the partition proceedings until the Boundary Commission reports, even if report comes in after the 15th August. Every attempt would be made to get an early award but meanwhile the partition work must go on and it is part of the plan which was accepted by the Congress that until the award is made the notional boundaries would be observed.

G.E.B. ABELL
12.7.47

Annexure I to Document no. 91

Governor's Appreciation

1. The communal feeling is now unbelievably bad. In the Ambala Division, outside Gurgaon, the Muslims seem resigned to their fate, and the same is probably true of the non-Muslims in the Rawalpindi Division and in Dera Ghazi Khan, Muzaffargarh, Multan and Jhang. In the Lyallpur and Montgomery districts and the Lahore and Jullundur Divisions tension is extremely high.

2. The Sikhs are the most uneasy of the three communities. They believe that they will be expropriated and possibly massacred in the Western Punjab and smothered by the Congress and the Hindus generally in the Eastern Punjab. They threaten a violent rising immediately after the transfer of power unless by then there has been a satisfactory award by the Boundary Commission.

3. The higher Services have virtually disintegrated. They were given the final blow by the partition policy, which turned professional civil servants into subordinate politicians. In the I.C.S. not one non-Muslim Indian is prepared to serve in West Punjab, and only one Muslim is prepared to serve in East Punjab. Hatred and suspicion are entirely undisguised.

4. Partition goes very slowly indeed. Meetings of the Partition Committee resemble a Peace Conference with a new war in sight. In the time available it will be quite impossible to make a clean job of partition, and even if we can check disorder up to 15th August, and the new Governments can maintain themselves thereafter, there will be appalling confusion. In civil administration certain things cannot be done properly in matter of days or weeks, and "stand still" orders (most of which will be accepted very grudgingly by the Parties) do not really solve the administrative problem

5. From mid-July onwards many new officers will be posted to key appointments, and the new Governments will face the critical time in August with Secretariat and District teams even weaker than those which we have had during the past year or two. There will be much wrangling about posting since the non-Muslim are unwilling to commit themselves until the Boundary Commission reports.

6. The Chairman of the Boundary Commission does not arrive until 14th July. His colleagues have given the Punjab Government an enormous questionnaire, the replies to which cannot at the earliest be ready before about 20th July. Thereafter, if all the information collected is to be studied and transferred to special maps and if the parties are to be heard at any length (they have engaged very eminent counsel), it is difficult to see how the Commission can report by 15th August.

7. If the Commission does report by 15th August, there will in all probability be a row because the Muslims or the Sikhs are not satisfied with the report. If the Commission does not report by 15th August, there will be a row because the Sikhs do not like the "notional" boundary.

8. The prospect is in short far from encouraging, but we can only go ahead and see what happens.

Sd/- E.M. Jenkins
11.7.47

Annexure II to Document no. 91

SECRET

No. 694.
Government House,
Lahore.
10th July 1947.

Dear Lord Mountbatten

I think Your Excellency may be interested in the enclosed record of a conversation I have just had with Giani Kartar Singh. The Giani was extremely frank about the intentions of the Sikhs and what he said confirms my view that they mean to make trouble if the decision based on the Boundary Commission's report is not to their liking, or if the new Governments are set up before the decision is given. According to a recent Press report, Baldev Singh is taking the same line in public, which seems odd in view of his acceptance of the plan.

2. My personal view is that the Boundary problem cannot be solved in any rational way, and that the only solution which will give two new Provinces a peaceful start will be one negotiated by the Parties - in other words a settlement out of court. I believe that there is quite a lot in the claim of the Sikhs - and for that matter of other residents of the Eastern Punjab - for a share in the canal colonies, and the Giani's idea that the Montgomery district should be allotted to the East is by no means as ridiculous as it sounds. The district, if so allotted, could be "recolonized" so as to concentrate the non-Muslims there and to transfer Muslims to Lyallpur, which is agriculturally on the whole a better proposition. But with the Sikhs demanding the Chanab as the Western boundary and the Muslims hoping to stretch their tentacles as far east as Ambala, and everyone behaving as though they had just been at war and were going to have a new war within a few weeks, I see limited hope of any solution of this kind.

Yours sincerely,
Sd/- E. Jenkins.

H.E. Rear Admiral the Viscount Mountbatten of Burma, K.G., P.C. etc.,
Viceroy and Governor-General of India.

Enclosure to Document no. 694 (Annexure II)

SECRET

Giani Kartar Singh came to see me today at 4.45 p.m. at his request. He was to have come at 3 p.m., but he seems to have had some trouble with his car driving in from Nankana Sahib.

2. He said that he had come to see me about the India Independence Bill and the Boundary Commission. The Bill made it clear that if orders were not passed on the recommendations of the Boundary Commission by 15th August, two new Governments would be set up on the basis of the "notional" boundary. The Sikhs did not believe that fresh orders about the Boundary would be enforced after 15th August, and wanted to know what the enforcement arrangements would be. The Sikhs would not accept the "notional" boundary even provisionally, and if an attempt were made to set up two new Governments on the basis of this boundary on 15th August, the Sikhs would refuse also to have anything to do with the Union Government of India. They would have to take other measures.

3. Proceeding the Giani said that there must be an exchange of population on a large scale. Were the British ready to enforce this? He doubted if they were and if no regard was paid to Sikh solidarity, a fight was inevitable. The British had said for years that they intended to protect the minorities, and what had happened now was a clear breach of faith by the British.

4. I said I thought it certain that the Boundary Commission's recommendations as accepted by the Governor-General would be enforced after 15th August. The enforcement would necessarily be by the two Dominion Governments, whose representatives had, I understood, pledged themselves to accept the final orders. I realised that the Sikhs were dissatisfied, but when independence came to any country, some classes which had formerly regarded themselves as protected inevitably suffered. For example, I well remembered the complaints of the loyalists in Southern Ireland when Eire became a Dominion. At the same time I felt that the Sikhs had themselves to blame for their present position. The Giani had himself insisted on partition, and Sardar Baldev Singh had accepted the Plan.

5. The Giani at once countered with an account of Sardar Baldev Singh's attitude during the negotiations. He said that he had urged S. Baldev Singh to publish the letter in which he had communicated his acceptance of the Plan to the Viceroy. Sardar Baldev Singh had made it perfectly clear on behalf of the Sikhs that he was merely accepting the principle of the Plan, and that there could be no partition based on population alone. The Sikhs were entitled to a homeland just as much as the Muslims and the Hindus.

6. The Giani then elaborated the Sikh claim. He said that they must have at least one canal system; they must also have Nankana Sahib; finally the arrangements must be such as to bring three-quarters or at least two-thirds of the Sikh population into the Eastern Punjab. An exchange of population on a large scale was essential - he thought that at least 400,000 Sikhs should be moved to the East and 400,000 Muslims to the West (later in the conversation he said that the number of Sikhs would be 500,000 or 600,000 and the number of Muslims about one million property as well as population should be taken into account in the exchange, and the Sikhs are on the whole better off than the Muslims). The Giani asserted that unless it was recognised by H.M.G., the Viceroy and the Party Leaders that the fate of the Sikhs was a vital issue in the proceedings for the transfer of power, there would be trouble.

7. I asked how the Giani proposed to effect his large transfer of population, and what he meant by "one canal system." Did he mean in concrete terms that if the Sikhs got a part of the Montgomery district, from which Muslims could be transferred to Lyallpur and to which Sikhs could be transferred from Lyallpur, the Sikhs would be content, The Giani said that the Sikhs would be content with the whole of the Montgomery district and Nankana Sahib and that if this could be effected, the exchange of population would be more or less automatic. On my pointing out that the inclusion of Nanakan Sahib in the Eastern Punjab would be an extremely difficult operation, he gave me a long and rather involved account of the communal distribution of population in parts of the Lyallpur and Sheikhupura districts, and said that the transfer of Nankana Sahib to the Eastern Punjab was practicable.

8. I thought it was time to mention the Boundary Commission again, and said that these matters would be dealt with by the Commission. Surely four Punjabi High Court Judges and one eminent Englishman could be expected to take a reasonable view of any properly stated claim, The Giani said that the Judges were not Judges, but Advocates; that the Sikhs expected no justice from the Commission.

9. I then reverted to the somewhat minatory remarks of the Giani about the attitude of the Sikhs should the new Governments be established on the basis of the "notional" boundary. I asked exactly what he meant by "other measures". The Giani replied that the Sikhs would be obliged to fight. I retorted that this would be very foolish and enquired how they expected to fight against trained troops. The Giani said in quite a matter of fact way that the Sikhs realised that they would be in a bad position and would have to fight on revolutionary lines-by murdering officials, cutting railway lines and telegraph lines destroying canal headworks and so on. I reiterated that this seemed to me a very foolish policy, to which the Giani retorted that if Britain were invaded, he had no doubt that my feeling would be much the same as his.

10. I enquired when the fight would begin. The Giani said that protests would continue from now on. The Sikhs felt that it would be useless to wait for two or three years before taking violent action, and the execution of their plan would start with the departure of the British.

11. I pointed out that violent action would hardly endear the Sikhs to the Congress, with whom the Panthic Party was now allied. The Giani replied that he had never trusted and did not now trust the Congress. Rather illogically he added that Mahatma Gandhi and Sardar Patel had been sympathetic to the establishment of a Sikh homeland with the Jat districts separated and joined to the U.P. For such a homeland the Sikhs must have a reasonable boundary in the West and their population mainly concentrated east of that boundary. He saw the final Sikh State as a kind of Buffer-State between Pakistan and the Union of India.

12. I said that the real solution was a reasonable settlement between the representatives of the future Governments of the West and East Punjab. I asked whether such a settlement was quite out of the question (I have always felt that the boundary problem is

really a political problem which can be settled only "out of court"). The Giani said that there was no one among the Muslims big enough to take a decision that might seem detrimental to the Muslim community. Personally he thought any discussion with a view to a settlement quite useless. The Sikhs would not abate their claim, and the Muslims would go on hoping to secure territory as far east as Ambala. The Muslims were now putting out some conciliatory propaganda but their intention was that of a sportsman who is careful not to disturb the birds he intends to shoot. He believed that the Muslims would try to make the Sikhs in the Western Punjab feel secure and would then set about them in earnest.

13. Finally, the Giani appealed to me to do all that I could do to help the Sikhs during a period of great trial. Having served in the Punjab for so many years, I could not wish to abandon it to misery and bloodshed; but there would be misery and bloodshed if the boundary were not suitably solved.

14. The Giani was matter of fact and quiet throughout our conversation, but wept when he made his final appeal. This is the nearest thing to an ultimatum yet given on behalf of the Sikhs. They are undoubtedly very puzzled and unhappy, but I see no reason to suppose that they have lost the nuisance value which they have possessed through the centuries.

E.J.
10.7.47

92

Lord Ismay to Lord Mountbatten

I.O.R. R/2/1/163

Confidential. 2287-S

From: Secretary of State for India, London
To: Viceroy, New Delhi.

No. 9057. Dated 14th (recd. 15th) July 1947 (TOD 1703) (TOR 0200).

Immediate

Abell from Ismay. Private. Reference Viceroy's 1908-S about Short.*

I entirely agree that he should not be attached to my staff. If I can fix financial arrangements with Treasury he will come as Baldev Singh's guest.

2. Would you pass following telegrams: (a) Begins: Sardar Sahib Sant Singh Chief Minister Nabha. Thank you hope to arrive Sunday 20th. Short. Ends.

(b) Begins: Sardar Baldev Singh 17 Tuglak Road New Delhi. Thank you. Hope to arrive Sunday 20th to stay with You. Cabling K.C. details later. Short. Ends.

3. I will give Short lift in YORK. Since he will be on duty in connection with Boundary Commission no question of payment of passage need arise.

* See Document No. 88 and 90.

93

Abstract from Viceroy's 59th Staff Meeting held on Monday, 14th July

I.O.R. MB. 127

SECRET

THE PUNJAB

The meeting considered two letters from the Governor of the Punjab dealing with two matters which Punjab Partition Committee desired to be referred to the Central Partition Council.

HIS EXCELLENCY pointed out that it was assumed, in these letters, that the award of the Boundary Commission would not be available by 15th August. The assumption more likely to prove correct was that the award would be available by 15th August, but within so short a time before that date that it would not be possible to make the adjustments required before then. HIS EXCELLENCY said that he was in fact expecting to receive the awards of the Boundary Commission on the night of 11th August.

HIS EXCELLENCY said that he believed that it might be far easier effectively to put down a general uprising of the Sikhs than it had been to deal with isolated cases of arson and stabbing.

Rao Bahadur MENON pointed out that the damage that the Sikhs were most likely to do would consist of the destruction of canal banks - and it would be quite impossible to guard all the canals.

HIS EXCELLENCY emphasised the necessity for the areas adjacent to the final boundary being controlled by the two new Governments themselves. This would be preferable to control by the Joint Defence Council.

Mr. SCOTT advocated the desirability of broadcast speeches by the Party Leader, (perhaps the future Prime Ministers of the new Dominions), stating that disorder would be put down ruthlessly, immediately after the awards of the Boundary Commissions were published.

HIS EXCELLENCY

V.C.P. 129 and 165.

V.C.P. 130 and 166.

**A Record of Decisions of the 11th meeting of the Partition Committee held in the
Committee room of the Partition Office on
Wednesday, the 16th July, 1947, at 10.30 a.m.**

Partition Branch Records, Punjab Govt., Chandigarh

Present

His Excellency the Governor
Mr. Zahid Hussain
Main Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargave
Sardar Swaran Singh
Mr. A.K. Chanda (in advisory capacity)
Messers Yaqub Shah and Sachdev.

It was decided that item I of the record of decisions of the 10th meeting held on 15th July, 1947, should be altered as under:--

- (a) That the Expert Committee should be asked whether statement of Physical assets of local character and of their book value could be compiled without undue delay, reads being omitted entirely.
- (b) That if the Expert Committee answered the question in (a) in the negative, the Committee should report whether the present category of Physical assets of a provincial character is sufficiently clear, and whether there are any new or border line cases to be considered within this category; and
- (c) That as regards physical apportionment. His Excellency the Governor should circulate the draft of a decision, on the principle, first that there should be no initial exception to the General Rule that all assets to be taken into account for partition purposes are to be valued financially; and secondly that the representatives of the Western or Eastern Punjab in the Partition Committee or later that of the successor Govt. should be entitled to claim by a stated date a technical enquiry into the possibility of physical apportionment of any specified asset or assets. If physical apportionment were decided upon there would be an appropriate adjustment in any financial settlement.

3. His Excellency note on the distribution between West and East Punjab members of the all India and Provincial-services was discussed and it was agreed that the members of the Steering Committee should put up a draft in the light of the discussion held for the approval of the Partition Committee.

Item 2.

It was agreed that Public Service Commissioner will have to be partitioned as suggested by the Steering Committee and the work should be entrusted to a Muslim and a Non-Muslim Officer of the Commission. The Chairman and members should be consulted whether they would like to serve in Eastern or in Western Punjab and the staff should also be similarly asked to express their choice. The establishment of their respective Public Service Commissions will be for the two successor Governments to decide, but an order under Section 9 of the India Independence Bill will have to be issued by the Governor with the concurrence of the Governor-General for the Public Service Commission to continue to work on behalf of both the Provinces until the two Govt. had time to set up their separate Commissions.

95

Amendment in The Act Relating to Boundary Commission Award

Civil and Military Gazette Lapore, July 16, 1947

Mr. Henderson then moved an amendment to Clause Three replacing the words "Awards of Boundary Commission" by the award of a "Boundary Commission."

The amendment was to correct a drafting error and to make it clear that the report of the Chairman of the Commission would have the force of an award.

Mr. Butler welcomes the amendment as an improvement. They were now certain that when the Commission made an award it would in fact become final and declared.

The amendment was agreed to without a division.

96

Terms of Reference of Punjab Boundary Commission

Civil and Military Gazette, Lahore, dated July 16, 1947

Mr. Henderson said that he admitted at once that the terms of reference of the Boundary Commission were not very precise and from that point of view, perhaps, not so satisfactory as they might be. But they had the merit of being based on the agreement of the Indian leaders of the major parties.

The function of the Commission was to demarcate boundaries between two parts on the basis of the ascertained contiguous majority areas of Muslims and non-Muslims. The Commission would also take account of "other factors."

That surely must mean that the primary basis was to be whether the majority was Muslim or non-Muslim. But in certain cases there might be special factors which would justify departure from this principle.

These special factors were being allowed to take account of the circumstances of the

Sikh community in the Punjab so that the location of their religious shrines could be taken into account.

It was for the Commission to decide how much importance it should attach to any of these factors, he declared.

97

MINUTES OF SIXTH MEETING OF PARTITION COUNCIL, JULY 17, 1947

Field Marshal Sir C.J. Auchinleck to Lord Mountbatten

Partition Proceeding Vol IV, p. 169

New Delhi, July 1947

Dear Lord Mountbatten

I was asked by Your Excellency at a recent meeting of the Partition Council to prepare a plan in case of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after the 15th August.

I recommend that the Joint Defence Council should have the authority of both the India and Pakistan Governments to declare any affected districts to be 'disturbed areas.'

When this has been done, the Supreme Commander, acting on the request of the Joint Defence Council, will specially appoint a BRITISH Commander, with an adequate H.Q., who will have MILITARY control over the area and of such troops and air forces as are considered by him to be necessary. These troops, etc. should be allotted by the Commander-in-Chief of the two Dominions, at the request of the Joint Defence Council.

The British Commander, so appointed, will be responsible to the Joint Defence Council, through the Supreme Commander, who, for this purpose, will temporarily have operational control.

The above procedure would be similar to arrangements I would make for disturbances on the boundary before 15 August, and will apply both in the PUNJAB and BENGAL.

Yours sincerely,
(C.J. Auchinleck)

H.E. the Viceroy.

98

Meeting of the Partition Council held on Thursday, the 17th July, 1947, at 10 a.m.

IOR MB 105

Broadland
Archives

Copy No. 11
SECRET

PRESENT

His Excellency the Viceroy

Mr. M.A. Jinnah

The Hon'able Mr. Liaquat Ali Khan

The Hon'able Sardar Vallabhabhai Patel.

The Hon'able Dr. Rajendra Prasad.

His Excellency the Commander-in-Chief

Sir Patrick Spens. [Case No. PC/55/6/47 only.

The Principal Secretary to His Excellency the Viceroy.

The Private Secretary to His Excellency the Viceroy.

[Case No. PC/56/6/47 only

Mr. H.M. Patel

Mr. Mohamad Ali

Brigadier J.G. Elliott.

Mr. Osman Ali

Lt. Col. V.F. Briskine-Crum.

Case No. PC/47/6/47

Plan of action in the event of possible clashes or disturbances in the neighbourhood of the boundaries between the two Dominions after 15th August.

His Excellency said that he had not an opportunity to discuss the note before the Council with the Commander-in-Chief. He felt that if the procedure suggested by the Command-in-Chief were agreed to, it would be essential, that the two Dominions should make it clear that they took full responsibility for the association of British Officers who would be employed on this work and that these officers were acting under instructions from the Dominion Governments. He would have a draft statement prepared for the approval of both sides covering this point, conveying their earnest and sincere assurances to the minorities that their rights would be protected and that both Governments would adopt a no reprisals policy, and warning all concerned that in the event of trouble the full weight of the proposed machinery would be brought to bear for its suppression.

The Commander-in-Chief said that the disturbed areas in which this machinery would be brought into operation would have to be defined, preferably to correspond with civil districts, by the two Governments or the Partition Council. The troops employed would be Indian but there would be a number of British Officers in command. His staff was working out details of the possible areas which might be involved and the number of troops required based on past experience. It was important to employ units of mixed class composition as recent experience had shown that where a battalion composed entirely of one class of soldiers was used, there were likely to be charges of partiality. So far as the Punjab was concerned, it was his intention to use the 4th Indian Division commanded by

Major General Rees which was already in the area. He would attach to Major General Rees's staff a senior Muslim officer and a senior non-Muslim officer as advisers.

Continuing, the Commander-in-Chief emphasised that for the sake of avoiding confusion in the minds of officers and men who were conversant with the existing law governing the use of troops in aid of civil power there should be no change after the 15th August in that law for such period as these forces were employed on this work.

In the course of subsequent discussion, the following points were made:--

- (a) It was not anticipated that there would be very serious trouble in Bengal with the possible exception of the city Calcutta. If, however, the necessity arose, the same principles should apply in that province. His Excellency said that he had asked the Governor of Bengal to give him an appreciation of his ability to maintain law and order in Calcutta and Bengal generally on the date the decision of the Boundary Commission was announced.
- (b) The troops in the disturbed districts of the Punjab should be in position by about the 7th or 8th of August.
- (c) The Joint Defence Council should be constituted in sufficient time to meet in a preliminary way by the first week of August. In the event of the Defence Member Pakistan not being able to attend meetings summoned urgently to take decisions on operational questions as opposed to policy questions, the Pakistan High Commissioner in Delhi might be nominated as his representative.
- (d) The High Commissioner would be at a disadvantage for this purpose as he would be without expert advice. In cases of urgency it would be preferable for the two Governors General to discuss the matter over the secraphone, and to agree upon a line of action.
- (e) Generally speaking, 3 days' notice of an intended meeting of the Joint Defence Council should be given.
- (f) The legal authority of the Joint Defence Council to declare martial law in an area should be examined. The whole question of the composition, powers, responsibility etc. of the Joint Defence Council would have to be considered separately.

DECISION

The Council agreed:--

- (1) that action to deal with disturbances in the neighbourhood of the boundaries between the two Dominions on or after the 15th August should be on the lines indicated in the Commander-in-Chief's note.
- (2) that Major General Rees, Commander of the 4th Division should be appointed as Joint Commander on behalf of both Dominions to control all troops operating in the defined areas in the Punjab, and that the chain of control from the two Dominion Governments to Major General Rees should be through the Joint Defence Council and the Supreme Commander. The Council noted that the Commander-in-Chief would nominate a Muslim and a Sikh Officer of suitable seniority as advisers on Major General Rees' staff.

- (3) that the zones in which the troops would have to operate should be defined by H.E.'s staff in consultation with the Commander-in-Chief and submitted to the Partition Council for approval.
- (4) that troops should be in position by the 7th or 8th of August at the latest.
- (5) that there should be no change in the law governing the use of troops in aid of the civil power after the 15th August for such period as these forces were employed on this work.
- (6) that details of the organisation and the formal resolution of both Governments in the case of trouble should be incorporated in the statement which H.E. was having prepared for issue over the signature of the members of the Partition Council regarding protection of minorities' rights, assurances of "no reprisals" and the fact that such British officers as would be engaged in this work were acting under express instructions from and were directly responsible to the two Dominion Governments.
- (7) that a paper should be prepared defining the composition, powers and responsibility of the Joint Defence Council for consideration by the Partition Council.

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Appointment of Chairman and other Staff of the Arbitral Tribunal

Case No. PC/55/6/47
Partition Proceeding Vol. IV, p. 186

The appointment of the Chairman of Arbitral Tribunal was discussed on June 26, 1947 as recorded in the Partition Proceedings Vol IV p. 86 and 126 (Case No. PC/4/1/47 "Sardar Patel said that the suggestion that Sir Cyril Radcliffe should preside over the Arbitral Tribunal after he had finished the Boundary Commissions' work was not acceptable to the Congress. Quite apart from the question of principle that was involved, the suggestion was impracticable in that Sir Cyril Radcliffe could only take up the work after the Boundary Commissions' work was over, whereas references to the Arbitral Tribunal might have to be made much earlier. The Congress adhered to their original suggestion, viz., the Federal Court should be the Arbitral Tribunal. It had on it an Englishman, a Muslim and a Hindu and as all of them had been appointed as Judges not with a view to undertaking this work, there would thus be the additional advantage in that neither the Muslim nor the Hindu judge would consider himself as representing any side despite his community. From the Congress point of view, it would be derogatory to have to bring men from abroad for this work. They had agreed to an exception being made in regard to the Boundary Commission for special reasons and because it was a matter of extreme urgency.

"Mr. Jinnah was prepared to accept Sir Cyril Radcliffe assisted by one nominee of the Congress and one of the League. It was clearly desirable that we must have an Arbitral Tribunal on the highest level and composed of men of the highest calibre and wide judicial experience. Persons who had already been in this country would always have a sub-conscious bias. After all we were human. If we wanted an impartial and fair tribunal

composed of men with the highest judicial talent, we could not do better than have a tribunal composed of men drafted from the judicial committee of the Privy Council. He understood that had been ruled out owing to the great age of most of the judicial lords and the heat of Delhi. He would, nevertheless suggest that it would be an advantage to bring in some one who was new to this country.

“After some discussion, it was agreed that the two sides should let His Excellency have a list of names of those whom they considered suitable for appointment on this tribunal and that His Excellency himself would endeavour to find a suitable Chairman.”

Later on both sides agreed to have Sir Patrick Spens as chairman of the Arbitral Tribunal as it was recorded in the Partition Council; meeting held on July 17, 1947. (pp. Vol. IV - 186):--

“The Council noted that Sir Patrick Spens had accepted appointed of Chairman of the Arbitral Tribunal and recorded its appreciation of his acceptance which it recognized was due to a high sense of duty on his part.”

Decision

The Council decided that--

- (1) Sir Patrick Spens should be relieved of his office as Chief Justice of the Federal Court from the day he took up his new appointment and that on the conclusion of the work of the Tribunal he should accept no appointment, official or non-official, in India (Sir Patrick Spens expressed his complete agreement).
- (2) The representatives of the Indian and Pakistan Governments should nominate, in consultation with Sir Patrick Spens, one Judge each for appointment of the Tribunal.
- (3) In the event of either nominee not being able to attend any meeting of the Tribunal, the party concerned should in consultation with Sir Patrick, nominate a substitute.
- (4) The Tribunal should be set up as soon as the names of the two Judges were agreed upon.
- (5) the Tribunal should appoint its own staff after it is set up; it would presumably be composed of Hindu, Muslim and British officials.
- (6) the terms of reference should be drawn up by Sir Patrick Spens, in consultation with Mr. Jinnah and Sardar Patel, and submitted to the Partition Council for its approval.
- (7) the Tribunal would be entitled to lay down its own procedure.
- (8) parties on either side would be represented by counsel,
- (9) the Tribunal would have the right to summon, if necessary, experts as court witnesses,
- (10) the Tribunal should be located initially in Delhi which it was recognised would be the most convenient place, but that for good reasons it may seek permission later to sit elsewhere.
- (11) that the target date for completion of the work of the Tribunal should be fixed at 31st March, 1948.

ISSUES CONNECTED WITH THE PARTITION WORK IN THE PUNJAB

Sixth Meeting of Partition Council

*Partition Proceeding, July 17, 1947 Vol. IV. p. 187.**Case No. PC/56/6/47*

In answer to a query Sir George Abell said that the work of partition was going ahead in the Punjab much on the same lines as were being followed at the Centre and that the Partition Committee was being kept informed through the Steering Committee on all matters of administration in the Province with the exception of law and order which, since the withdrawal of the Muslim League member from the Security Committee, was now solely the responsibility of the Government.

In the course of discussion the following points were made:--

- (a) It was desirable that both the Governments of the East and the West Punjab should remain at Lahore with a view to facilitating the work of Partition. If Lahore goes to the West Punjab by the decision of the Boundary Commission, the Government of East Punjab would find no difficulty in moving out at short notice to Simla which was the summer capital. Whichever side lost Lahore would, of course, have to move out before the 15th August.
- (b) It was in all the circumstances best to proceed on the basis of the notional boundary, and the government of East Punjab, therefore, was prepared to move to Simla without prejudice, of course, to the decision of the Boundary Commission regarding Lahore.
- (c) The Boundary Commission might be asked to decide the question of Lahore as a matter of priority. It was pointed out, however, that such action might prejudice acceptance by all parties of its subsequent decisions.
- (d) The posting of officers should proceed on the basis of the notional boundary which was not likely to be greatly modified by the Boundary Commission. The alternative proposal to set up joint administration in all the 14 disputed districts and then repost officers in accordance with the option they had exercised in the short period of two or three days between the announcement of the Boundary Commission's decision and the transfer of power would lead to confusion and a break down of the administration.
- (e) Trouble in any one part of the Province was likely to have repercussions elsewhere. It was important, therefore, that as far as possible, the Governments of the East and the West Punjab should each have its own administrative machinery in position not later than 1st August so that the problems of law and order could be effectively tackled. It was pointed that this should be possible in all the districts except possibly those regarding which there was real dispute namely, Lahore, Amritsar and Gurdaspur.
- (f) Preparations for and actual posting of officers could be proceeded with on the basis of the notional boundary. The officers would, however, have to be warned that some changes might have to be made in the light of the Boundary Commissions' decisions.

- (g) The uncertainty regarding the fate of the dispute districts was holding up the work of division of assets and liabilities. It might, therefore, be necessary for the Partition Committee in the Punjab to continue to sit after the 15th August.

Summing up, His Excellency said that he would visit Lahore, probably on Monday next, meet the Provincial Partition Committee and endeavour to secure their agreement (a) to the Government of the East Punjab planning its move to Simla before the 15th August without prejudice to the ultimate award of the Boundary Commission regarding Lahore (b) to postings being made on the basis of the notional boundary and (c) in the event of his failing to secure agreement regarding the two or three seriously disputed districts, to action being held up in respect of those districts until he had reported back to the Partition Council. A telegram to this effect would be sent to His Excellency the Governor of the Punjab.

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A Record of decisions of the 12th Meeting of the Partition Committee held on the 17th July 1947, at 10.30 a.m. in the Secretariat

Partition Branch Records Punjab Govt. Chandigarh

Present

His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Mr. A.K. Chanda (in advisory capacity)
Messrs Yaquub Shah and Sachdev.

Decisions

His Excellency the governor's draft on the distribution between Western and Eastern Punjab of members of All India and Provincial Services was accepted. Provincial Government will also be included along with members of the All India and Provincial Services and the final draft as approved by the Committee, is enclosed. It was further agreed that the Party Leaders will issue a statement on the subject and simultaneously, copies of this note will be circulated to various Heads of Departments for the information of the officers concerned. The Accountant-General, Punjab, will be requested to put up a draft of rules relating to grant of lump sum compensation or a family pension as mentioned in paragraphs 9 of the note, along with a short covering note on these rules for the approval of the Partition Committee.

The Partition Committee considered the physical apportionment of movable assets.
It was agreed

- (1) That physical apportionment could be effected only in respect of such assets as (a) are immediately movable, or (b) can be moved without major structural alteration of immovable assets.
- (2) That initially there should be no exception to the principle that a Financial valuation should be made of all assets which the Partition Committee or the successor Government have directed or may direct, to be taken into account for partition purposes;
- (3) That the representatives of West Punjab or East Punjab in the Partition Committee, or either of the Successor Governments may on or before the 15th September 1947, claim an enquiry into the possibility of making a physical apportionment of any specified assets or assets;
- (4) That on a claim being made as in (3) a technical Committee should be appointed consisting of one representative of West Punjab, one representative of the East Punjab, and a Chairman acceptable to both parties to enquire and on the technical apportionment. The Committee should take into account:-
 - (a) The capacity required by the two provinces for direct-Government work, such as the maintenance of public work required by the two Provinces and the execution of projects over a period of five years, regard being had to other Government capacity available in the two Provinces.
 - (b) The capacity surplus to (a)
 - (c) The importance to both Provinces of economy and (In appropriate cases) of balanced working.
 - (d) The time and expenditure likely to be required to bring any assets that may be moved into effective use.
 - (e) The time and expenditure likely to be required to buy and bring into effective use similar assets from elsewhere: and
 - (f) The disadvantages which will be suffered by the province in possession, including loss and damage arising directly from the removal of the assets, the time and expenditure required for essential rearrangements and general loss of efficiency.
- (5) That the report of any technical Committee appointed under (4) should be considered by the Partition Committee or the successor Governments, as the case may be, and should, if no agreement is possible, be referred to the party leaders or to the Governments or decision by arbitration or otherwise;
- (6) That when physical apportionment is appropriate adjustment should be made in any general financial settlement in respect of physical asset;
- (7) That nothing in this decision should prejudice the right of the Partition Committee or the successor Government to agree upon the physical apportionment of such assets as can clearly be apportioned without detailed technical enquiry, e.g. road rollers, vehicles not attached to any workshop or institution, or stores suitable for consumption in existing institutions or workshops in both Provinces.

Note by His Excellency the Governor on Distribution between East and West of Members of All India and Provincial Services.

- (1) The distribution between West and East Punjab of members, the All India and Provincial Services and other gazetted officers must be made in such a way that there is the minimum administrative dislocation and the both the Governments are able to carry on their work efficiently.
- (2) The distribution will inevitably have to be spread over a considerable period of time because
 - (a) The total number of officers in the Services concerned is large, and it is impossible, without grave administrative dislocation, to transfer more than a relatively small proportion of them to the Province of the choice before 15th August 1947, and
 - (b) It is clear that a number of officers in certain services cadres will be supernumerary to the corresponding cadres in one or other of the two Provinces.
- (3) The representatives of West Punjab and East Punjab in the Partition Committee have agreed that all officers in service on 15th August, 1947, as have not been appointed to the Province of their choice, shall remain at their posts until they are otherwise dealt with in accordance with arrangements to be agreed upon between the successor Governments.
- (4) Officers in service on 15th August 1947, who are in the Province of their choice will be treated during the period referred to in (3) as belonging to the appropriate cadre in that province, and as lent to the Government of the other Province.
- (5) Both Governments will guarantee to lent officers their existing terms and conditions of service, without foreign service amenities or special allowances, and complete equality of treatment with the officers of the borrowing Government in the matter of ordinary promotion and in selection for administrative or other higher posts.
- (6) A lent officer may request for reversion to the Province of his choice at any time and this considered by lending Government in consultation with the borrowing Govt.
- (7) The borrowing government may request at any time that a lent officer be reverted, and the lending Government will have the right to recall a lent officer in both cases, subject to reasonable notice. In no circumstances, should the borrowing Government be required or entitled to retain a lent officer for a period exceeding three months after his reversion has been requested by either Government.
- (8) The borrowing Government may censure a lent officer or withheld one increment of pay without effect on future increments; but any orders of censure or withholding one increment as above will be communicated to the lending Government. In cases in which more severe disciplinary action is necessary, the borrowing Government may suspend a lent officer informing the lending Government of the suspension, and have departmental proceedings (including, if appropriate, any reference to the Provincial or Dominion Public Service Commission) conducted against him up to the point at which final orders are to be passed. At this point the borrowing Government may will forward the record of proceedings to the lending Government for comment. If both

- Governments agree as to the punishment to be imposed, the borrowing Government may impose it without prejudice to its right to require the officer to be reverted. If the two Governments do not agree, the borrowing Government shall require the lent officer to be reverted and shall leave further action, if any, to the lending Government.
- (9) If a lent officer is injured or killed in a communal outrage or in the course of communal disturbances within the jurisdiction of the borrowing government, the borrowing Government shall pay lump-sum compensation or a family pension (under rules to be made later on).
- (10) The borrowing Government shall assume liability for leave and pensionary contributions for the period any officer is on deputation with them. The method of adjustment of this liability will be settled in discussion between the two Governments.

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Memorandum Submitted to the Punjab Boundary Commission on behalf of the Muslim League

Partition of Punjab 1947, Vol. I Lahore 1983, p. 281-96

1. In carrying out its very responsible and delicate functions the Boundary Commission will no doubt regard itself bound by its terms of reference and the statement of His Majesty's Government, dated the 3rd June, 1947,* which is the authority under which the Commission has been set up. It will also keep in view the larger background which has necessitated the division of India and ultimately in consequence the partition of the Punjab.
2. The main territories comprised within the Province of the Punjab have over a very long period constituted not only a Province for administrative purposes but also broadly homogeneous, cultural and linguistic area. It also forms a compact economic unit, the various parts of which are inter-dependent upon each other for their prosperity and, indeed, for the maintenance of even such standards of living as have been attained during the first half of this century.
3. The division of the Punjab, therefore, is a step which is fraught with the gravest consequences to the economy of the province as a whole and the welfare and prosperity and the prospects of progress and advancement of all sections of its peoples.
4. The partition of the province was resolved upon the His Majesty's Government not because they themselves desired it or were not conscious of the gravity of the consequences likely to flow therefrom, but because political parties in India had arrived at a deadlock which made a division of India inevitable and His Majesty's Government felt that in consequence a partition of the Punjab and Bengal could not be denied or avoided. Whatever the degree of political urgency which necessitated this division, the Commission in carrying out the duty of demarcation of boundaries laid upon it must take note of the particular features of the situation. Some of these are set out in the broadcast of His Excellency the Viceroy, made

on the 3rd June, 1947, as a preface to the statement of His Majesty's government of the same date, His Excellency observed:--

"To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or any other plan that would reserve the Unity of India. But there can be no question of coercing any large areas in which one community has a majority, to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

"But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding in that event the partition of certain provinces. To my mind this argument is unassailable. In fact, neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other.....

"It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

"We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the splitting will be left to the Boundary Commission on which they will of course be represented."

(5) The portions of His Excellency's statement set out above put it beyond doubt that the partition of the Province has been resolved upon on account of the reluctance of the non-Muslims to consent to the continuation of such areas in which they are in a majority to form part of the Province in which the Muslims have an overall majority in the population. The non-Muslims desire that in the events that have happened contiguous areas in which they form a majority of population should be separated from the rest of the Province. His Excellency has explained that the demand on behalf of the Congress for the partition of certain Provinces was based upon the same arguments on which the demand of the Muslim League was based for the partition of India. The League demanded a partition of India on the basis of the separation of those provinces in which the Muslims were in a majority from the rest of India. No claim was made by the League for the allotment of areas to Pakistan on the basis of religious sanctity, historical associations, sentimental attachment, proprietary interests, cultural considerations, educational facilities or any other similar factor. In making its demand for partition and basing it on the single consideration of majorities in the populations of certain Provinces it confined itself to the democratic principle of a single human soul having a value which could not be estimated in terms of property or of any of

the other factors set out above. In taking its stand upon this principle the Muslims League was conscious that it must reconcile itself to leaving out of Pakistan its great religious and historical monuments like the Jama Masjid, the Red Fort, the Qutab Minar, Tughlaqabad, the shrines of Hazrat Nizam-ud-Din Aulia and other great saints, the tombs of Humayun, and other great Muslim Emperors who reigned over the greater part of India before and after him and numerous other monuments which cluster in and around Delhi, the Taj Mahal, which by virtue of its splendour, its beauty and its pathos ranks not only as one of the great wonders of the world from the point of view of architectural proportion, perfection and magnificence but also operates as a powerful spiritual magnet giving tangible expression to many aspects of the secret yearnings of the human soul; the tomb of Akbar, the greatest secular ruler that the world has so far produced, at Sikandra, that glory of the art of Mosaics on the left bank of the Jamna, i.e., the Tomb of Aitmad-ud-Daula; the imperial city of Fatehpur Sikri, the fort, palaces and mosques and many other monuments of religious and historical association in and around Agra, the similar monuments in and around Lucknow, the Shrine of Hazrat Moin-ud-Din at Ajmer around which cluster the tombs and mausoleums of a large number of Muslim saints; the mosque of Aurangzeb at Benares; the numerous religious monuments in Patna and at Bihar Shrif; the Muslim University at Aligarh and many other monuments, places of learning, sacred shrines and other institutions, which have throughout the centuries shone as jewels in and shed their lustre upon the pattern of the history of Muslims in India and with which the deepest sentiments of Muslim hearts and the highest aspirations of Muslim soul are indissolubly intertwined. Nor was the stand taken by the Muslim League affected by less sentimental and more material considerations of a nature upon which a good deal of insistence from the non-Muslim side has been noticed in the press ever since the question of partition of the Punjab has become one of the principal topics of discussion. Muslims own large and valuable blocks of property of various kinds in different parts of India noticeably in the shape of Taluqas in Oudh which are in themselves reminders and witnesses of the position that the Muslims for centuries occupied in the political history of India and yet the Muslims and the Muslim League representing them, adhered to the truth that men are infinitely more valuable than money and that human souls and the care of them are of infinitely greater importance than property and material possessions. Whatever the attitude of the League towards these factors and considerations, it is undeniable that the whole case of the League with regard to the measure to be adopted for the partition of India was based upon the factor of population, and as His Excellency stated that the same arguments were used for demanding the partition of certain provinces, the conclusion is inevitable that the non-Muslim case for the division of these provinces, was also based upon the population factor alone. This is put beyond any shadow of doubt and, indeed, outside the pale of argument or controversy, by the statement of His Majesty's Government dated the 3rd June 1947, and the terms of reference of the Commission.

Paragraph 9 of the statement of His Majesty's Government runs as follows:--

"For the immediate purpose of deciding on the issue of the partition, the Members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident

that for the purposes of a final partition of these provinces a detailed investigation of boundary questions will be needed and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining, the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect the provisional boundaries indicated in the Appendix will be used."

6. The function of the Boundary Commission described in this paragraph is to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and in demarcating the boundaries the Commission may take into account other factors and make local adjustment in the boundary so, however, that no considerable section of the population in a local area is transferred from a majority area to a minority area. This has been made more precise in the terms of reference of the Commission which run as follows:-

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslim and non-Muslims. In so doing, it will also take into account other factors."

The obvious interpretation of which alone these terms are susceptible is that the Commission should proceed to demarcate the boundaries of the two parts of the Punjab and for this purpose should ascertain the contiguous majority areas of Muslims and non-Muslims. Once it is determined which are the contiguous majority areas of Muslims and non-Muslims it shall proceed to draw the boundary line between the two parts of the Province on that basis, but in doing so, that is to say, in demarcating the boundary line on this basis, it will also take into account other factors. This can only mean that if the boundary line based upon the division of the Province into contiguous majority areas of Muslims and non-Muslims should encounter some other relevant factor, the Commission may take it into account, and if the taking into account of such factor necessitates a local deviation of the boundary line so as to secure an equitable adjustment of such factor, such local deviation shall be permissible. It is clear that the consideration of other factors and taking them into account in demarcating the boundary can only arise after the contiguous majority areas of Muslims and non-Muslims have been ascertained and a boundary line on the basis of this ascertainment has first been demarcated. Local adjustments in the boundary line may be made in defence to other factors which must be taken into account and must be equitably adjusted. Other factors, whatever character they may possess, cannot be taken into account in ascertaining the contiguous majority areas of Muslims and non-Muslims. Such ascertainment is the determination of a question of fact and the determination must be based upon the data available. It is true that the Commission must adopt some definition or test of contiguity, but in determining the definition or test of contiguity, but it can take into account only what contiguity does mean or should mean in the determination of boundaries between

Provinces or parts of a Province. Other factors would have no relevancy at this stage. Once the definition of contiguity has been determined the ascertainment of contiguous majority areas of Muslims and non-Muslims becomes a question of pure fact, which should be capable of easy determination on the basis of figures of the 1941 Census. As has been submitted, other factors, whatever they may be, if relevant, have only to be taken into account in demarcating the boundary line which must be done on the basis of contiguous majority areas.

7. The Commission will be under the necessity of laying down some definition or measure for the purpose of determining contiguity. In one sense the whole of the Province is a contiguous majority area of Muslims. It is obvious that if a province were to be taken as a unit, the whole of the Punjab and the whole of Bengal would be adjudged Muslim majority Provinces. Partition of these Provinces having, however, been decided upon, a smaller unit must be adopted as a measure for determining contiguity. The notional partition adopted a District as a unit, as it was the easiest and readiest measure available by which contiguity could roughly be determined. This was, however, not intended to be final. Had this been final, there would have been no need to set up Boundary Commissions for demarcation of actual boundaries, as the actual boundaries of districts are nowhere in doubt. In adopting a definition of contiguity or a measure or standard by reference to which contiguity is to be determined one paramount consideration will of necessity be borne in mind by the Commission. The statement of His Majesty's Government, as well as the terms of reference of the Commission, lay upon the Commission, the duty of demarcating the boundaries of two part of Punjab. This means Commission should for the purpose of demarcating boundary adopt a standard which should result in the drawing of what would amount to a boundary between two parts of the Province, each of which is expected to function separately as a Province. In other words, the boundary should be a workable and practicable boundary from the point of view of administration and should be capable of fulfilling the functions of a boundary between two neighbouring States. It should not be a crazy line running backwards and forwards over the areas of several districts and in and out of every village in those districts so as to result not in the separation of two parts of a Province which might each be constituted into a Province but, into a nightmare tapestry of a futurist design. It is inevitable therefore, that the Commission must adopt some sort of administrative unit as a standard for this purpose. The district being ruled out, the only other administrative unit which could be adopted would be a Tehsil.

8. Once the standard has been determined, the task of the Commission would be to prepare a map of the Province based upon this standard. That is to say, the map should indicate the population figures and percentages of population of Muslims and non-Muslims in the various Tehsils. The boundary line should then be drawn so as to comprise contiguous Muslim majority Tehsils, in one area and contiguous non-Muslim majority Tehsils in the other, subject, however, to this obvious modification, that if contiguous to the boundary line that is drawn there are compact majority areas of Muslims or non-Muslims extending beyond the limits of a Tehsils, such compact majority areas must go with the neighbouring Tehsil into the majority area of Muslims, or the majority area of non-Muslims, as the case may be.

9. This stage having been completed, the Commission may then take into account other factors which might necessitate local deviations in the boundary line already drawn. It is again obvious that deviations of the boundary line adopted for the purpose of securing an equitable adjustment of other factors must be local for otherwise the principle of contiguity or the principle of majority areas would be subordinated or over-ridden by considerations of other factors, which is not intended. For instance if on demarcating the boundary line on the principle of contiguous majority areas, it is discovered that the Headworks of an Irrigation system which in its entirety or in the main, serves one part of the Province, is in the other part, a deviation of the boundary line, which would not involve the transfer of any considerable section of the population from its majority area to a minority area, may be adopted to adjust the boundary so as to include the Head Works in the same part of the Province which the Irrigation system is mainly designed to serve.

10. If these principles are accepted, it will be found that, subject to considerations rising out of other factors, the Pathankot Tehsil of the Gurdaspur District, would be detached from the West Punjab and included in East Punjab. In every other Tehsil of the Gurdaspur District, and in every Tehsil of the remaining sixteen districts at present included to West Punjab, the Muslims have an overall majority. The Ajnala Tehsil of the Amritsar District, which has a majority of Muslims in its population and is contiguous to the Lahore, Sialkot and Gurdaspur Districts, will be included in the West Punjab.

11. It will also be found that the Jullundur and Nakodar Tehsils of the Jullundur District, which are contiguous to each other and are in their turn contiguous to the Zira and Ferozepur Tehsils of the Ferozepur District, have like the last two mentioned Tehsils a majority of Muslims in the population.

12. There is a compact majority area of Muslims contiguous to the Ferozepur Tehsil running along the left bank of the river Sutlej through the Muksar and Fazilka Tehsils up to the border of the Bahawalpur State. This area also includes the Sulemanki weir of the Sutlej Valley Project, the canals taking off from which furnish irrigation to the Montgomery and Multan Districts of Western Punjab and the Bahawalpur State. This area is also contiguous to the Montgomery District on the opposite bank of the Sutlej. Both sides of the river along this stretch are populated by the same Muslim tribe, viz., the Wattus.

13. Starting from a point between the Nakodar Tehsil of the Jullundur District and the Zira Tehsil of the Ferozepur District on the river Sutlej a compact Muslim majority area runs along both banks of the Sutlej upto and including the two of Rupar and ending on the boundary between the Punjab and Nalagarh State. This area is inhabited by homogeneous Muslim tribes.

14. At the opposite end of Jullundur Tehsil there is a contiguous compact majority area of Muslims in the Dasuya and Hoshiarpur Tehsils of the Hoshiarpur District part of which runs along the river Beas opposite to the Batala and Gurdaspur Tehsils of the Gurdaspur District, and is thus contiguous both to the Jullundur Tehsil and to the Batala and Gurdaspur Tehsils.

15. Apart from the consideration, of other factors, which will presently be adverted to, the boundary line between West Punjab and East Punjab should, therefore, run as shown from point 'A' along line 'B', 'C', 'D', 'F', 'G', 'H', 'I', 'J', and 'K' upto the Point 'L' marked in green on map I attached to this memorandum. (Map is not printed here).

16. According to this demarcation, the Tehsils of Amritsar and Tarn Taran in the Amritsar District which have a non-Muslim majority in the population would be blocked by Muslim majority areas and would not be contiguous to East Punjab. The same would, however, be the case with the Ferozepur Jhirka and Nuh Tehsils of the Gurgaon District which have a large majority of Muslims in the population and which are contiguous to each other but not contiguous to the West Punjab. The Muslims must, therefore, reconcile themselves to these two Muslim majority Tehsils being left in East Punjab, while the non-Muslims must reconcile themselves to leaving Amritsar and Tarn Tehsils of the Amritsar District in West Punjab.

17. There is one important "other factor" which must be taken into account in the demarcation of the boundary on the basis above set out. The Canal Head Works of the Upper Bari Doab system are situated at Madhopur in the Pathankot Tehsil of the Gurdaspur District. The whole of the Irrigation system of the Upper Bari Doab serves areas which would be comprised within West Punjab, the Headworks and a stretch of a few miles of the canal alone being within East Punjab. This would involve a serious anomaly and would give rise to possibilities of friction and mischief between the two States. There would at least be serious apprehension on the part of the population of the upper part of the Bari Doab, Muslim as well as non-Muslim, that its prosperity and indeed, its very means of livelihood may be put in jeopardy if the Headworks and the portion of the canal in the Pathankot Tehsil are not properly looked after and maintained at an efficient level. This is the kind of factor the taking into account of which would fall properly within the scope of the terms of reference of the Commission. It is submitted, therefore, that to safeguard the population of the upper part of the Bari Doab against any such calamity it would be necessary to include within West Punjab the portion of the Pathankot Tehsil of the Gurdaspur District which lies to the West of a line drawn from a point two miles above Madhopur and running to the East of the Upper Bari Doab Canal up to the point where the Pathankot Tehsil joins the Gurdaspur Tehsil. This line is shown as 'L'-'M' (in green on map). The total population of that portion of the Pathankot Tehsil which would thus be included in West Punjab is 1,10,774 out of which 50,284 that is to say, 45.4 per cent are Muslims.

18. It has been urged on behalf of the Sikh Community that several of their shrines are situated in various parts of West Punjab, though it is not yet known what precise argument is based upon that factor. Surely, it could not be contended that the whole area of the Province comprising the towns and villages where any of these shrines may be situate should be included in East Punjab. This would mean that West Punjab as far as the district of Campbellpur, which includes the town of Hasanabdal where the Panja Sahib is situated should be included in East Punjab. This is not a factor which could under any circumstances be taken into account in demarcating the boundary line between East and West Punjab. There are Sikh shrines at Patna (the birth palace of Guru Gobind Singh) and at Nandher (the

last resting place of the remains of the same Guru) within the Dominions of His Exalted Highness the Nizam and at several other places outside the Punjab with regard to which Sikh sentiment is presumably as strong as it is with regard to shrines situated in West Punjab, yet it has never been suggested that the towns and places where these shrines are situated should form part of or be in any manner attached to the Punjab. This applies with particular force to the shrine at Nandher which is within the dominions of the premier Muslim ruler in India. No complaint has at any time been inflicted upon Sikh sentiment in consequence of the fact that the shrine at Nandher is situated within the dominions of His Exalted Highness the Nizam.

19. If, however, the question of shrines belonging to one community is a factor which must be taken into account in the demarcation of the boundary line the Muslims claim that all the districts of East Punjab should be included within West Punjab as they are dotted with tombs and shrines of Muslim saints and heroes who are held in great veneration by the Muslims and with mosques and monuments possessing great historical importance and significance to which Muslim sentiment and tradition are strongly attached. At many of these shrines fairs are held at various times of the year to which Muslims resort in large numbers. In several instances holidays are observed in local Government offices in honour of these saints. Muslim sentiments is not less deeply attached to these saints and their shrines and the mosques and other monuments than Sikh sentiment may be alleged to be attached to Sikh shrines in West Punjab.

20. A persistent campaign has been and is being carried on in the press that the partition of the Province should be based upon the proportionate amount of landed and other property and interests owned by the Muslims and non-Muslims. Here again the precise formula which may be derived from such considerations is not yet known and, therefore, cannot be dealt with in the memorandum, but it is perfectly obvious that having regard to the background of the whole problem and the terms of reference of the commission no such consideration can be taken into account in demarcating the boundary line. In any event this factor was ruled out of consideration by His Excellency the Viceroy during his press conference on 4th June, 1947. His Excellency observed in this connection that "His Majesty's Government could hardly be expected to subscribe to the thesis of landed property."

21. It is necessary to explain here the relevance and significance of His Excellency's observations to the terms of reference and the functions of the Boundary Commission. His Excellency had only a day earlier announced the plan of His Majesty's Government of 3rd June, 1947. He had prefaced the announcement of that plan by his own statement over the radio. Paragraph 9 of the statement of His Majesty's Government dealt with the question of the Boundary Commission. The relevant portion of the language of that paragraph was agreed upon between the Congress and the Muslim League as constituting the terms of reference of the Commission. The explanation offered by His Excellency during his press conference that "other factors" would have no reference to landed property was within the knowledge of the Congress and the League when they agreed to the terms of reference and was certainly an important factor in inducing the League to consent to the terms of reference

as framed. An explanation offered by His Excellency of the relevant portion of the language of paragraph 9 almost simultaneously with publication of the statement of which paragraph 9 formed a part must be constructed as forming part of the paragraph itself. In any event the terms of reference were agreed to on the basis of that explanation and it is not open to the Commission to go beyond that explanation.

22. Further, it must be borne in mind that as has been indicated in the opening portion of this memorandum the Muslim League demand for the demarcation of the territories of Pakistan was and is based entirely upon the population factor. The non-Muslim demand for the partition of certain Provinces, as explained by His Excellency the Viceroy in his broadcast of 3rd June 1947 was also based on the same argument, that is to say that majority areas of non-Muslims have a majority. That is the basis of the whole problem of partition and any other consideration which would contravene or over-ride this principle is entirely irrelevant. His Excellency said:-

“But there can be no question of coercing any large areas in which one community has a majority to live against their will under a Government in which another community has a majority.”

23. If on considerations of property, any area in which the Muslims have a majority is included in East Punjab, this would amount to coercing the Muslim population of that area to live against their will under a Government in which the non-Muslims have a minority and will thus contravene the very principle which is the basis of the partition of the Province.

24. It is, however, necessary to point out that so far as ownership of agricultural land and factors pertaining thereto are concerned the non-Muslim claim of preponderance of ownership, though entirely irrelevant with reference to the demarcation of boundaries, is not admitted. As regard the development of the colony areas of the Province the Muslim share in this development is in excess and certainly does not fall short of their proportion in the population of the Province.

25. It must further be submitted that one of the factors behind the Muslim demand for the division of India was the exploitation of the Muslims by the non-Muslims, whereby the resources and the wealth of the Muslims were subjected to a continuous drain which served to augment the wealth and resources of the non-Muslims. That demand having been conceded, it would be the height of irony to deprive Muslims of areas in which they constitute a majority of the population on the basis that the non-Muslims had in the past successfully carried out exploitation of the wealth and resources of the Muslims in that area. It is a fact of which the Commission would take judicial notice that the colony areas of the Shahpur, Lyallpur, Sheikhpure Montgomery and Multan districts were all owned by Muslim tribes whose principal source of wealth lay in cattle and constituted their grazing lands. With the advent of canal irrigation in these areas the greater part of the land of these areas was declared to be Crown waste and was sold or granted to people from other districts of the Punjab. This was a feat of expropriation which has always constituted a serious grievance on the part of the expropriated Muslim owners. Many of the non-Muslims who

purchased proprietary rights in these areas paid for them out of the resources which had been accumulated as a result of money lending operations, the nature of which may be gathered from administration reports and other relevant documents which dealt with the whole problem of the indebtedness of the peasantry in this Province towards the end of the last century. These disclosed so deplorable a state of affairs that government was compelled to intervene and passed a restrictive piece of legislation known as the Punjab Alienation of Land Act, 1900. Even this failed to check the evil and the problem of the indebtedness of the peasant, particularly the Muslim peasant, continued to cause grave anxiety to the administration. More recent investigations made by Mr. Calvert and Sir Malcolm Darling disclosed that the problem was still an acute one. Only a few years ago as the result of this investigation, the Punjab Legislature was forced to put through several relief and remedial measures of legislation. In this state of affairs it would be heaping injustice upon injury to take into account the property factor in demarcating the boundary line.

26. There is no question of any kind of expropriation of either one community or the other in West Punjab. There is no proposal to interfere, with the full exercise of proprietary rights. It is not understood, therefore, on what basis it is sought to make ownership of property a factor in determining the boundary line between the two parts of the Province.

27. In this connection the Commission must be reminded that partition is not being forced either upon the Sikh community or upon the non-Muslims as a whole. The Sikhs and the Hindus have joined together in the demand for partition of the Province and as explained by His Excellency the Viceroy the basis of the demand is the factor of majority areas of non-Muslims in the Province. Having themselves demanded a partition of the Province the non-Muslims cannot further seek to prejudice of the Muslims by dragging into the question of the determination of the boundary line factors that have relevance there to.

28. It must further be borne in mind that East Punjab has decided to form part of what is described in the Indian Independence Act as India, that is to say, it will become a unit of India, which in the matter of population, resources, compactness, coastline and every factor which may be expected to contribute towards the security, welfare and prosperity of a state would occupy a situation of far greater advantage than would be the case with either or both sections of Pakistan. From this point of view also it would be highly unfair to press in aid irrelevant factors in order to augment the boundaries of East Punjab, that is to say, of India, at the expense of Pakistan. If any consideration of a general nature were relevant to this question the over-riding consideration should be that the much larger and much more advantageously situated State i.e., India should not gain any advantage at the expense of the much smaller and much more precariously situated State i.e., Pakistan.

29. A peculiar feature of the position adopted by the Sikh community is that for all purposes of partition it has chosen to merge itself into the Hindu community, from which the conclusion must follow that its interests are identical with those of the Hindu community and yet it continues to press for special consideration. If partition had been forced upon the Sikhs and they had found themselves in the position of a helpless minority, which had perforce to submit to partition against its will, there might have been something to be said

in favour of its interest being specially safeguarded in carrying out the partition. But the Sikh community have themselves been foremost in urging the partition of the Punjab and have for this purpose secured the support of and made common cause with the Hindus. They must, therefore, be treated for the purpose of all questions arising in connection with partition as being part of one community composed of both Hindus and Sikhs.

30. The boundary line suggested in the earlier part of this memorandum is based upon percentages of Muslims and non-Muslims in the various Tehsils of the Province. It is understood that the Christian organisations in the Province are anxious that as large a part as possible of the Christian population of the Province should be included in West Punjab. They view with apprehension the prospect of any considerable numbers of their people being included in East Punjab. This means that so far as the factor of population is concerned, the Muslim claim is supported by the Christian community. The net effect of this on the population figures would be as follows:-

Tehsil	Muslims	Christians	Total
Ajnala	59.4 p.c.	5.3 p.c.	64.7 p.c.
Jullundur	51.1 p.c.	1.5 p.c.	52.6 p.c.
Nakodar	59.4 p.c.	.6 p.c.	60.0 p.c.
Zira	65.6 p.c.	1.6 p.c.	67.2 p.c.
Ferozepur	55.2 p.c.	1.9 p.c.	57.1 p.c.

31. In one respect, however, this consideration would make a practical difference to the boundary line. In the case of the Dasuya Tehsil of the Hoshiarpur District, the total population is 273,246 out of which 132,105 are Muslims. This gives a percentage of 48.4. the number of Christians in this Tehsil is 4,729. The total number of Muslims and Christians thus is 136,834 which is just above one half, i.e., just over 50 percent of the population. On this calculation the whole of the Dasuya Tehsil must be included in West Punjab.

32. In brief the Muslim League case is that the Commission should proceed to demarcate the boundary between East and West Punjab in strict conformity with its terms of reference uninfluenced by any extraneous considerations based upon factors that have no relevance to the terms of reference. The terms of reference require the boundary to be based upon the ascertainment of contiguous majority areas of Muslims and non-Muslims. Any "other factors" that may be relevant can only be taken into account if they involve no more than a local adjustment of the boundary line and do not lead to a contravention of the principle that no large area in which one community has a majority is to be compelled to live against its will under a Government in which another community has a majority. In other words, in attempting an adjustment of "other factors", the commission must safeguard itself against a falling into the error of contravening the over-riding directive contained in

its terms of reference and against inflicting an injury upon or doing an injustice to a community any portion of whose majority area would as the result of the adjustment of the boundary line be transferred to the majority area of the other community.

33. These are the considerations on the basis of which we invite the Commission to demarcate the boundaries of East and West Punjab, but we place our trust in the righteousness of our cause and the Benevolence and Providence of Almighty God, who is the Master of the East as well as of the West and humbly pray to Him and beseech Him to direct the hearts of the Members of the Commission and of all those who will take part in its proceedings and deliberations as to inspire them with the single purpose of achieving that which shall afford the maximum of ultimate satisfaction and happiness to all His Creatures in this Province as well as outside of it and shall serve to usher in an era of peace and goodwill among different sections and to cause His Holy Name and His Glory to be exalted above everything else. Amen.

* See Document No. 54.

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Memorandum Submitted to the Punjab Boundary Commission by the Indian National Congress*

Personal Collection of the Editor

Description and Physical Features

1. The Punjab lies in the north-west of India and is a region of vast plains at the foot of the Himalayas which run along its northern boundary. The Punjab lies roughly between the Jumna River on the east and the Indus River on the west and is traversed from north-east to south-west by the rivers, Sutlej, Beas, Ravi, Chenab and Jhelam, which unite to pour their waters into the Indus towards the extreme south-west corner of the province. The seven rivers are the most important physical features of the country and have been determining factors in her history and in forming her external and internal administrative boundaries. The district of Dera Ghazi Khan and the Isa Khel tehsil of Mianwali district are situated on the right bank of the Indus and these areas form the outlying portions of the Punjab, which are in many ways distinct from it.

2. The waters of these seven rivers are the natural wealth of the province and have been the principal source of its growth and development. These rivers constitute the sources of the network canals which irrigate the lands enclosed by the rivers. The prosperity of the Punjab is based largely on its irrigation system which is one of the finest in the world. These canals spread out like arteries of the economy of the province carrying life-blood to its remote corners.

* Its Copy was presented to me by S. Rawel Singh ex-Minister for which I am grateful to him.

The region lying between the Sutlej and the Indus forms a vast triangle which is further subdivided into five tracts, each bounded by two rivers. These tracts are known as Doabs or lands of two waters.

Administrative Divisions, Area and Population

3. For administrative purposes, the Punjab is divided into five Divisions, namely:-

- (i) Ambala Division: comprising the districts of Gurgaon, Rohtak, Hissar, Karnal, Ambala and Simla;
- (ii) Jullundur Division: comprising the districts of Ludhiana, Ferozepur, Jullundur, Hoshiarpur and Kangra;
- (iii) Lahore Division: comprising the districts of Gurdaspur, Amritsar, Lahore, Sheikhupura, Gujranwala and Sialkot;
- (iv) Rawalpindi Division: comprising the districts of Gujrat, Jhelum, Rawalpindi, Attock, Shahpur and Mianwali; and
- (v) Multan Division: comprising the districts of Lyallpur, Montgomery, Jhang, Multan, Muzaffargarh and Dera Ghazi Khan.

4. The total area of the British Punjab, according to the Area Survey of India figures, is 99,089 sq. miles (1941 Census Report, Vol. VI, page 2). But the area, according to the revenue records, as given at page 52 of the same Report, is 91,571 sq. miles. The disparity is, apparently, due to the fact that some of the inaccessible snowy ranges of Kangra and hilly tracts of Dera Ghazi Khan were not included in the revenue measurements.

5. The population according to the Census of 1941, is 2,84,18,819, divided as follows:-

(i) Muslims	...	...	1,62,17,242
(ii) non-Muslims	...	...	1,22,01,577
(of whom Sikhs number	...	...	37,57,401)

Census

6. The Census taken periodically is generally considered the most accurate record of the number and composition of the population of a country. In the Punjab, however, certain unusual factors have in recent times come into play and have seriously affected the accuracy of the census. Though a rough enumeration of the population of the Punjab was made as far back as 1855, no regular census giving the figures for different communities was taken until 1881. The censuses of 1881, 1891 and 1901 showed that in the Punjab, including the States, non-Muslims were in a majority. The percentage of the non-Muslim majority appears from the table give below:-

1881	52.42
1891	52.61
1901	50.39

If the States were excluded, the Muslims were in a small majority. The table given below gives the Muslim percentage of the population in the British Punjab:-

1881	52.75
1891	51.83
1901	52.31

Since 1909 a political interest has come to be attached to the census because of the introduction of separate electorates with reservation of seats and this development has vitiated the accuracy of all the subsequent censuses. In 1911 the Superintendent of Census, Punjab, observed as follows at page 97 of his Report (Vol. XIV):-

“The members of the depressed class, i.e., Churhas, Sansis, etc., who did not profess to belong to Islam or Christianity were returned as Hindus in the three previous censuses and similar instructions were issued in the recent census. Nevertheless, a number of Sansis and Churhas residing in Mohammedan villages were returned as Mohammedans, as some Churhas living in Sikh villages were returned as Sikh.”

In 1920, i.e., a year before the census of 1921, the Montagu Chelmsford reforms were introduced and emphasis was laid on the numerical strength of the communities as a basis of their political representation. This became an incentive for exaggerating the numbers in order to gain political advantage. About this time, however, certain events happened which led the Hindus and Sikhs to abstain from offering co-operation to the Census authorities. On the 1st August, 1920, the non-co-operation movement was launched by Mahatma Gandhi. It covered a wide range and involved the withholding of co-operation from all governmental activities including the census operation. In the case of Sikhs, the spirit of non-co-operation was further stiffened by reason of the notorious Nanakana massacre which took place on the 20th February, 1921, about four weeks before the day of enumeration for the Census of 1921 namely, the 18th March, 1921.

The census operations of 1921 in the Punjab were carried on under the supervision of Mr. Middleton, I.C.S. and Mr. Jacob, I.C.S. as Superintendents. At page 106 of the Report (Vol. XV Part I) they observe:-

“Evidence as to the unreliability of the census of the number of inhabitants per building carried out in Lahore, Amritsar, Rawalpindi and Jullundur, though, of course, the accuracy to be expected is much less than that of the census proper, is afforded by the statistics themselves. Thus by adding up the number of building with the specified number of inhabitants per building, it is found that in the case of Wards 1-6 of the Lahore City, there must be no less than 1,17,140 inhabitants as against 92,533 enumerated in the census. The difference over 24,000 cannot be accounted for except by the inaccuracy of one or other of the enumerations. In the case of Ward 3

of Rawalpindi City the discrepancy is even more marked.”

Before the Census of 1931, there was a recrudescence of the boycott movement started as a protest against the appointment of the Indian Statutory Commission, known as the Simon Commission. This was intensified by the Civil Disobedience Movement launched by the Indian National Congress in 1930. At that time the Muslim Community had at the Round Table Conference in London demanded the extension of the system of separate electorates and it was generally known that the new reforms would give effect to the demand. While therefore, the politically-minded Hindus and Sikhs kept aloof from the census operations of 1931, the Muslims fully availed themselves of the opportunity afforded to them. The following remarks of Khan Sahib Ahmad Hussain Khan, Superintendent, Census Operations in the Punjab at page 80 of his Report (Vol. XVII, Part I) throw a revealing light on the situation:--

“Another factor came into play on the present occasion and deprived the census operations of the calm atmosphere, which is essential to the obtaining of correct returns. The people had realised that their political rights depended upon the census figures. The new constitution for India was to be framed at no distant date, and value attached to the communal figures brought out by the census was greater than ever. Consequently the atmosphere was surcharged with propaganda, carried on through various agencies, and attempts were made in some places by enumerators to swell the figures for their communities by means of bogus entries, or to curtail the strength of a rival community by scoring out persons who were actually present in their houses on the final census night. There were also some cases, in which the residents of houses returned bogus names with the same motives. This mostly took place in certain urban areas, the worst offender in this respect being the city of Amritsar.”

“It may also be remarked that while bogus entries were made to swell the figures, in some of the large towns the apathy on the part of the enumerators was responsible for certain cases of omission. For example in Lahore several cases came to notice in which whole families were left unenumerated.”

At page 81 of the Report it is stated that while the number of houses recorded in the province during the preliminary enumeration was 81,67,739, on the final census night 59,43,652 houses only were found occupied.

Conditions deteriorated further in the years preceding the next Census of 1941. In the year 1935 the Government of India Act was passed, which confirmed and elaborated the system of separate electorates. On the 23rd March, 1940 the Muslim League passed a resolution demanding separate autonomous States in the north-east and the north-west. These factors influenced the Census 1941 about which Mr. Yeatts, Census Commissioner, has observed at page 9 of Vol. I (Tables) as follows:-

“1940-41 saw also political influences on the census but in the opposite direction, since whereas the difficulty in 1931 had been to defeat a boycott, the difficulty in 1941 was to defeat an excess of zeal.”

It is well-known that at the time of the 1941 Census, communal passions ran high in the Punjab and very little value can be attached to the enumeration records.

The late Diwan Bahadur Raja Narindra Nath, retired Commissioner, and the then President of the Punjab Hindu Mahasabha, made a statement in this connection to the Press dated the 5th of March 1941 which is published in the Tribune of the 6th of March. He stated:

“I have received numerous complaints from different places in the Punjab bringing it to my notice that the enumeration of Hindus in several tracts has been omitted and that in most places, false entries have been made with regard to the language spoken. Those who have brought to my notice the omissions and false antries have asked me to intervene.

“As regards places other than Lahore Municipality, I have brought these irregularities and omissions to the notice of the Deputy Commissioners concerned. About Lahore the complaints have been forwarded to the Administrator of the Municipality. In many places in Lahore the enumerators were not supplied with the requisite number of pads with the result that the enumeration could not be done. A large number of complaints are to the effect that no enumerators came to them to take their returns. From Lahore alone more than 20,000 cases have been brought to the notice of the Administrator through me and there is a regular stream of such cases coming to me even now. This being the plight of Lahore, the seat of Government and a place with an awakened population, one can imagine the conditions in the districts. It seems to me that in the Punjab census has been vitiated by communal bias of enumerators and others. The vital statistics collected will have no value. I sent the following telegram to the Census Commissioner and the Home Member to the Government of India:--

“Complaints being received from all over Punjab regarding deliberate omission of enumeration of Hindus and false returns with regard language and script. Complaints founded on good evidence. Census made absolutely unreliable. Please fix another date for fresh census.”

On the 15th of March, 1941, a public meeting of the Hindus of Lahore was held at Lahore under the presidency of Diwan Bahadur Raja Narindra Nath at which the following resolution was passed (reported in the Tribune, dated the 16th of March, 1941):--

“In the opinion of this meeting of the Hindus of Lahore convened under the auspices of Hindu Youngmen' Association, the statistics collected in the Punjab in the last Census held on the 27th and 28th of February are absolutely unreliable and that either a fresh census should be held on another date or if this be not practicable figures collected should not be made the basis of any change in the presentation of various communities either in the Legislature or Local Bodies of in the services.”

The Census Sub-Committee of the Sikh Gurdwara Prabandhuk Committee, Amritsar, also passed a resolution on the 19th of March, 1941 in which the grievances of the Sikhs against the enumerators of the 1940-41 Census were set out *in extenso*.

The Census authorities realised the situation and refused to act on the enumeration record in several places, for example in Lahore, and arrived at their computation by relying on the 1931 Census figures as adjusted by the vital statistics for the years 1931 to 1941. Such a computation would obviously not represent the true figure of the population as, apart from other considerations, it omitted to take into account the large influx of population into Lahore from outside areas since 1931.

It is noticeable that the recorded rates of increase of population have been much higher in the Punjab and Eastern Bengal and much higher during 1921 to 1941 than in the previous decades. The following are the figures relating to the Punjab:-

Year	Persons	Variation	Percentage of variation
1891	1,86,52,614		
1901	1,99,42,715	12,90,101	6.91
1911	1,95,79,047	3,63,668	1.32
1921	2,06,85,478	1,10,643	5.85
1931	2,35,80,864	28,95,386	13.99
1941	2,84,18,919	48,37,955	20.51

In this connection the following remarks of Mr. M.W.M. Yeatts, I.C.S., at page 23 of his Report on the 1941 Census (Vol. I. Tables) are significant:-

“The increase is by no means uniform, although a greater figure than for the previous decades is practically universal. Rates are noticeably larger in the north than in the south and have two distinct peaks in the extreme west and north-west and in the east. In fact we have in the Punjab and Eastern Bengal two swarming areas.”

It is obvious, therefore, that the census records have been vitiated and do not afford reliable data for computation. This feature of the recent census returns greatly emphasized the danger of relying on these figures for the purpose of the demarcation of boundaries.

Genesis of Partition Proposals

7. Economically, ethnologically and from the standpoint of irrigation, the Punjab has developed into such a well-knit integral unit that until a few months ago no important party was prepared to entertain any proposal for its division. While examining the possibility of partition of India and the creation of a sovereign Muslim State, the Cabinet Mission in their statement, dated the 16th May, 1946 made it clear that such a partition would entail the

partition of the Punjab and Bengal and Assam and that this would particularly affect the position of the Sikhs in the Punjab. In para 7 of the Statement they observed:--

“We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.”

The Cabinet Mission, therefore, devised a scheme which preserved the unity of the country as well as the integrity of its provinces. The scheme was accepted by all the major political parties in the country but differences regarding its interpretation grew so acute that the Muslim League ultimately resiled from its acceptance of the scheme and adopted the policy of Direct Action. This, in the tense political situation prevailing in the country, led to widespread communal rioting, arson and murders in various parts of the country, which culminated in brutal mass murders, loot and arson in the Rawalpindi and Multan Divisions and other parts of the Punjab. These tragic happenings in the Punjab embittered the relations of the communities to such a degree that there arose a widespread demand for the division of the Province from the non-Muslims and their representatives organisations.

His Majesty's Government's Statement of June 3, 1947

8. On the 3rd of June, 1947, His Majesty's Government issued a statement embodying their now proposals for the transfer of power to Indians and these included proposals for the partition of the Punjab. These proposals provided as a provincial measure, for a notional division of the Punjab on the basis of population majorities in the various districts in order to ascertain the wishes of the people in regard to partition. They also provided for the appointment of a Boundary Commission to demarcate the boundaries of the two parts into which the province is to be divided. Para 9 of His Majesty's Government's statement is reproduced below:--

“For the immediate purpose of deciding on the issue of partition the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these Provinces a detailed investigation of boundary questions will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has

been put into effect, the provisional boundaries indicated in the Appendix will be used."

The Appendix to the statement gives the names of 17 Muslim majority districts as follows:-

Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot.
Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shapur.
Multan Division: D.G. Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

The remaining 12 districts, classed as non-Muslim majority districts, are as follows:-

Lahore Division: Amritsar.
Jullundur Division: Hoshiarpur, Jullundur, Ludhiana, Ferozepur and Kangra.
Ambala Division: Ambala, Simla, Karnal, Gurgaon, Rohtak and Hissar.

In accordance with the provisions of the aforesaid statement votes of the members of the Punjab Legislative Assembly representing the eastern and western districts, as indicated by the notional division, were taken on 23rd June, 1947 and a decision was reached that the province should be divided. As is evident from para 9 of the statement the provisional boundaries indicated by the notional division were adopted only as preliminary step of a purely temporary nature for the purposes of arriving at a decision as to partition. That purpose has now been accomplished and the provisional boundaries indicated by the Appendix are of no relevance for the purpose of demarcating the boundaries for the partition of the Punjab.

Terms of reference of the Boundary Commission for the Punjab

9. The terms of reference of the Boundary Commission for the Punjab were published on the 1st of July, 1947. They provide as follows:- "The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

It will be noticed that the Commission is instructed to demarcate the boundaries of the two parts on the basis of the ascertainment of the contiguous majority areas of Muslims and non-Muslims and that, in doing so, it has to take into account other factors also. It is submitted that on a true construction of these terms of reference, the Commission in demarcating the boundaries is not to be guided solely by the basis of contiguous Muslim and non-Muslim majority areas, but that it has also to consider and weigh other factors which would naturally have importance in demarcating the boundaries of two different States.

It has to be remembered that the Punjab has been a homogenous province where the population of the two communities is closely interspersed and it has for about a century been governed as one entire provincial unit, all communities in the province joining in one

common effort for its development and prosperity. This feature of the province would make a division solely on the basis of contiguous majority areas highly inequitable. It is with a view to avoiding this inequitable result that the terms of reference have specifically provided that in demarcating the boundaries the Commission is to proceed not merely on the basis of contiguous majority areas, but is to have regard to the other factors which by reason of their importance, may well override the considerations arising from particular areas having a Muslim or a non-Muslim majority.

Other factors

10. It will be out of place to enumerate all factors of importance which have to be taken into account in the demarcation of boundaries. But some of these which have a special relevance in reference to the Punjab and their relation to the two parts of the Province as shown in the notional division; may be briefly stated:-

Solidarity of the Sikhs and protection of their cultural and religious life

(a) In order to appreciate the position of the Sikhs in the Punjab a brief historical survey of the rise and growth of the Sikhs in the province is essential. Originally founded as a reformed sect of the Hindus by Guru Nanak at the end of the 15th Century, the Sikhs were organised into a powerful military group by the later Sikh Gurus on account of the policy of religious persecution pursued by the later Moghals towards them. This transformation was completed under the leadership of the tenth Guru Gobind Singh, and from that time onwards, the Sikhs made a bid for political power which they regarded essential for the preservation of their faith and freedom. The confusion which followed the decay of the Moghal Empire and the invasion of Nadir Shah and Ahmad Shah Abdali gave the Khalsa their chance to establish their power in the land of their birth. A map of the Punjab in 1760 reveals that the Sikh territories at that time extended from the Sutlej to the Chenab, while their sphere of influence went beyond to the Jumna and the Indus. The authority of the Sikhs during this period extended up to Multan and the foot of the Siwalik hills and their power based on the active support of the people of the area was so well entrenched that Abdali and the Afghans found it impossible to subdue them. Subsequently, the conquests of the Sikhs were consolidated into the powerful kingdom of Maharaja Ranjit Singh who extended the Sikh dominion up to Peshawar and Kashmir in the north and Bannu and Dera Ismail Khan in the west. South of the Sutlej were situated a number of Sikh principalities which embrace the present districts of Ferozepur, Ludhiana, Ambala, Karnal and the present Sikh States of Patiala, Jind, Nabha and Faridkot. The whole of this territory which corresponds to the whole of the present Punjab and most of the present North-Western Frontier Province passed from the Sikhs to the British in the later forties of the last century.

The rise of the Sikhs with their social political and cultural institutions effected the solidarity of the Punjab to a degree which it had never attained before. The Sikhs sprang from the central and middle eastern parts of the Punjab and this region may well be described as their homeland. They own the major part of the agricultural land in the Central Punjab and they have contributed their very best to the development of this region. The Sikhs have very little to look forward to outside the Punjab. Out of a total number of a little over 41.5

lakhs in the whole of British India, 37.5 lakhs live in the Punjab. It is not merely that they have their homeland and holy places in the Punjab; they are rooted in the soil and their destinies are interwoven with the destinies of the Punjab. The intimate association of the Sikhs with the Punjab through long years of rule and residence entitles them, at any rate, to resist their being uprooted and dislodged from their homelands.

The historical events referred to above and the recent happenings at Rawalpindi and elsewhere show that it will be impossible for the Sikhs to live peacefully and with honour and in enjoyment of their religious freedom in the Western Punjab. It is, therefore, essential as much to the peace of the two divisions of the Punjab as to the protection of Sikh culture and solidarity that they should not be divided and that as many of them as is feasible be brought into the eastern part of the province.

One of the chief occupations of the Sikhs is military service. Having regard to the relations which have, for generations, existed between the Sikhs and the Muslims, it is obvious that the Sikhs, retained in the western part of the province, will be altogether denied this occupation.

The special position of the Sikhs in the Punjab was recognised by the Cabinet Mission in their proposals of May, 1946. It was also referred to by Lord Wavell, the then Viceroy in his broadcast of the 17th of May, 1946 and by Lord Pethick Lawrence, the then Secretary of State, in a letter dated the 1st of June, 1946. His Majesty's Government's Statement dated the 3rd of June and the Press Conference by His Excellency the Viceroy following upon it have also recognised the special position of the Sikhs in the Punjab.

Under the notional division the Sikh community will be completely torn and mutilated and its economic, cultural and other interests totally destroyed. Such a division will result in splitting the community into almost two equal divisions between the western and the eastern parts of the province.

The Sikhs form a fairly large group in some of the districts in the western part, e.g., Lyallpur, Montgomery and Sheikhupura. In Lyallpur particularly, they form along with other non-Muslims, a majority in a large tract. If this tract is included in the eastern part along with Sheikhupura and Montgomery the solidarity of the Sikhs can in the main be preserved. The inclusion of these districts in the eastern part will also satisfy the strong religious sentiments of the Sikhs by bringing in the holy shrine of Nankana Sahib in the eastern area. The contribution made by the Sikh colonists to the growth of the colonies in Lyallpur and Montgomery and the fine qualities of colonists as cultivators have been frequently eulogised. These constitute additional grounds for not disturbing the Sikh peasant proprietors from their colony homelands.

A very important consideration to be borne in mind is the situation of the holy shrines of the Sikhs. Among these may be enumerated the Nankana Sahib, the birthplace of the founder of the sect and Sacha Sauda in Sheikhupura District; Kartarpur, Dera Baba Nanak and Sri Gobindpur in the Gurdaspur District, the Golden Temple, the Gondwal shrine, Khadur Sahib and Tarantaran in the Amritsar District, the shrines connected with Guru Arjun Dev in the Lahore District and Shahidganj in the city of Lahore. Any demarcation of the boundary which places these shrines in the western part of the province, would be unjust.

Considerations of strategy and defence.

(b) It has to be remembered that the boundary between the eastern and the western parts of the Punjab is not to be a boundary merely between two provincial zones. The boundary line to be demarcated by the Commission will form the north-western boundary of the Indian Union separating it from the territory of the Pakistan Government. In the circumstances all considerations applicable to the fixation of a suitable international boundary will have to be taken into account. It will have to be a boundary which will give a natural and defensible frontier to the Indian Union in relation to Pakistan and to Pakistan in relation to the Indian Union. It is obvious that the boundary line cannot be a zig-zag, straggling line with wedges or tongues of the territory of one state running into the territory of the other. Having regard to the physical features of the Punjab a suitable and natural boundary line would be one of the larger rivers of the Punjab. A boundary line drawn along the Chenab, or, at any rate, for the greater part along that river will have the advantage of providing a suitable defensive line both to the Indian Union and the Pakistan Government. Apart from the consideration mentioned above, even for the maintenance of the peaceful and friendly relations between the Indian Union and the State of Pakistan, it is essential that the boundary should be drawn in such a way that the possibility of border raids, frontier incidents, smuggling and other like troubles may be eliminated.

Economic Security

(c) A division solely on the basis of contiguous Muslim and non-Muslim majority areas will leave the eastern part of the province absolutely insecure in the matter of food and clothing. The quantity of wheat produced in the eastern part as shown in the notional division is 29 per cent of the total production as against 71 per cent in the western part the quantity available per capita in the eastern part being only 15.7 lbs. as against 26.3 lbs. in the western part. The figures of rice production show even a greater disparity, the percentage of rice production in the eastern part being 14.4 as against 85.6 per cent in the western part, and the quantity per capita being 1.6 lbs. and 6.5 lbs. respectively. As regards cotton, the output of American cotton in the eastern part is only about 40,000 bales as against 6,99,000 bales in the western part. This disparity in the supplies essential to life is further accentuated by the density of population in the eastern part being very much heavier than in the western part, namely, 327 persons per square mile in the eastern part as against 264 persons per square mile in the western part.

According to the Census of 1941, there are 49,718 miles of cultivable area in the 17 western districts as against 23,857 in the 12 eastern districts of the Punjab. This gives 1,886 acres of cultivable land per capita in the western part as against 1,322 acres per capita in the eastern part. Further the quality of the soil in the eastern part is poorer and the bulk of the land is unirrigated.

The recent tragic happenings which have resulted in a stream of non-Muslims flowing from the western districts to the eastern districts is bound to continue after the partition of the province and add further to the density of the population in the eastern part. Several areas in the eastern part are already economically so insecure that they may well be described as 'distress areas'. The standard of nutrition and public health in the eastern areas is much lower

and the frequency of famines and epidemics is very much higher than in the western part. The death rate in the districts of Ambala, Hoshiarpur, Karnal and Gurgaon is as high as 23 to 25 per thousand, whereas in the districts of Rawalpindi and Multan the death rate is only 13 to 15 per thousand. Again, the death rate in the district of Kangra is 21 to 23 per thousand, which may be compared with the death rate in the districts of Mianwali and Muzaffargarh which comes to about 15 to 17 per thousand. Most of the eastern districts are malaria-ridden and liable to frequent visitations of epidemics.

The economic disparity between the two parts becomes the more glaring when one remembers that a large part of the mineral wealth of the Punjab is to be found in the western districts. All the important minerals including rock-salt, petroleum, gypsum, coal, etc., are to be found exclusively in the western districts.

On the basis of the notional division while the population in the eastern part is 40.6 per cent of the total population, the area allocated to it is only 35.6 per cent. Economic considerations, therefore, clearly point to the eastern part being entitled to the allocation of certain further areas with a view to making it economically stable and to providing room for the expansion of its population.

Distribution on a rational basis of

- (1) *the existing irrigation system.*
- (2) *the river waters of the province.*
- (3) *Canal Colonies; and*
- (4) *Crown lands*

(d) The waters of the rivers and canals of the Punjab are the most precious assets of the province and in the past they were used in common so as to bring the maximum benefit at the minimum cost to the people of the Punjab as a whole. This led to the diversion of the major portion of the waters to the western districts where the government owned large areas of lands which they wanted to develop and sell at good price in order to obtain as large an income as possible for the provincial exchequer. This policy led to a higher irrigation intensity in the western part as large tracts of Government land in the western part were available for development.

River Waters.

The true position of river waters and irrigation canals in reference to the province, as a whole, is very clearly put in the Resolution NO.5539-Rev. dated the 14th of April, 1934, of the Governor-in-Council, Punjab from which the following extracts may be quoted:-

“The prosperity of the Punjab is in a great measure due to the network of the canals . . . between the River Jhelum and Sutlej south of the line drawn from Ferozepur to Jhelum and north of the Punjab. The land fifty Years ago, lay desert except for a few wells, a strip of *sailab* land along the river and one or two inundation canal systems; there was no cultivation worth the name. The inhabitants, who were mainly semi-nomadic graziers, lived a life not vastly different from the life lived by their ancestors thousands of years ago. . . . It is no exaggeration to say that the material and moral

progress of the Punjab has been financed by the profits earned by the irrigation system and that without these profits no such progress would have been possible. There are, speaking generally, no alternative source available from which development of the province can be carried on in the future. . . . The construction of the canal system was financed partly out of the surpluses from the revenues of the province contributed by the general body of tax-payers and partly out of borrowed money advanced on the security of the general revenues as well as from the sale of lands irrigated by the canals. The interest and amortization charges of this debt are a charge on the general revenues of the province and not on the profits of the irrigation Department. The waters in the Punjab Rivers and the Crown lands irrigable by them are the property of the State, that is to say, of the whole body of citizens. . . . It has in fact always been clearly recognised in the past by the Legislative Council and by people of the province that the canal system of the province is a common asset to be used for the general good of the community at large. . . . Thus the attitude adopted both by the Government and the people in the past has been to regard the canals in the absence of alternative sources of revenue as a most important source of financing the requirements of the province."

The above quotations make it clear that the income from the canals has played a very important part in supporting the public finances of the province and in enabling schemes to be undertaken for the general betterment of the people. No partition of the province can be just which does not divide this essential asset, namely the river waters and this source of revenue equitably between the two parts of the province.

The equitable share of this valuable asset can be arrived at by calculations on the per capita basis of population. The division of the province by drawing a boundary line at the Chenab as hereinafter mentioned will result in the eastern part of the province obtaining a fair, though not its full, share of this valuable asset.

Upper Bari Doab Canal

The history of the construction of the Upper Bari Doab Canal and the developments of the tract known as the Majha irrigated by this canal shows that it was projected in 1851 to find employment for the disbanded Sikh soldiery and to settle them to agricultural pursuits, It is the Sikhs who helped in its construction and development and in doing so suffered great hardships at a time when the part of the country through which it runs was undeveloped and unproductive. That undeveloped area has now been turned into one of the finest tracts of agricultural land where the Sikh peasant makes a model agriculturist. The larger proportion of the lands in the tract is owned by non-Muslims, mostly Sikh Jats, who are peasant proprietors. It is only just that the area watered by this canal, which was built up and developed by the Sikhs, should be allotted to the eastern part of the province.

Lower Chenab and other Colonies

The history of the development and colonization of the Lower Chenab Colony in the early nineties of the last century, shows the persistent industry and enterprise of the immigrants who braved great dangers from the nomads who were the inhabitants of the area

and who opposed and harassed the settlers. The following observations in regard to these colonies by Sir Malcolm Darling in his book *Punjab Peasant in Prosperity and Debt* (pp.122-23) are noteworthy:--

“The peasant proprietor is the backbone of the colonies as he is of the Punjab. In the Lyallpur Colony he holds 80 percent of the land and in Shahpur nearly as much. In the latter, he was recruited from the Northern Districts but in the former almost entirely from the Central Punjab. A colony could hardly have had a better material, for Ludhiana, Jullundur and Amritsar represent the flower of Indian agriculture. They are the home of the Jat Sikhs who have been described as the most desirable of colonists.”

The Lyallpur town and other Mandis in this areas have been developed and built up mostly by the efforts of non-Muslims, largely Hindus. The trade and commerce of this area and the industries in it have also been built up and are being carried on mainly by the endeavour and enterprise of non-Muslims.

The non-Muslims, particularly the Sikhs, have also played an important part in the development of the Lower Bari and Nill Bar Colonies.

Crown lands

In regard to Crown lands, unclassified forests and waste lands, one finds that on the basis of the notional division, the eastern part gets only 26,442 acres land as against 3,64,164 acres in the western part; 4,85,862 acres of unclassified forests as against 11,44,000 in the western part and 6,021 acres of Nazul land as against 12,086 acres in the western part. By far the most valuable of the assets mentioned here are, however, the Crown lands in the colony areas. These lands yield over a sixth part of the total revenues of the province. The area of the temporarily leased and unallotted Crown lands in the colony areas is 16,22,655 acres. The whole of these lands fall under the notional division in the western part. The eastern part is clearly entitled to a substantial portion of these Crown lands. This substantial share can be awarded to the eastern part by so demarcating its boundaries as to include in them a substantial portion of the temporarily leased and unallotted Crown lands in colony areas.

Another valuable asset of the province consists of the irrigated plantation; these constitute the main sources of fuel supply. None of these plantations falls under the notional division in the eastern part; all four of them, namely, Chhanga Manga (Lahore district) Chichawatni (Montgomery district) Khanewal (Multan district) Daffar (Gujart district) being situated in the western part.

Economic stake of the resident population arising out of private ownership, particularly land.

(e) The ownership of land creates an economic interest of the owner in the area where the land is situated and is a bond of attachment between the owner and the area. This is particularly true in the case of agricultural lands owned by peasant proprietors, who cultivate the land them-selves and are thus rooted in the soil.

It is important to note that the majority of the owners of land in the Punjab are peasant proprietors who own small tracts of land which they till with their own hands with or without the help of their family members. These peasant proprietors form the backbone of the rural economy of the Punjab. According to the Report of the Land Revenue Committee presided over by Sir Malcolm Darling, out of the total number of 34,37,248 land revenue payers in the province in the year 1937 who paid Rs. 4,23,08,308 as land revenue, 94 per cent paid less than Rs. 50 as land revenue and contributed Rs. 2,51,08,700 i.e. 59% of the total revenue. The total number of big land owners paying Rs. 5,000 or more was no more than thirty six in the whole of the province and their contribution to land revenue amounted to Rs. 3,80,000 only, that is, 1% of the total land revenue of the province. These figures clearly establish that in the Punjab, the bulk of the land is in the hands of the small owner living on the land and not, as in some other provinces, in the hands of the capitalist or the absentee zamindar.

A reference may in this connection be made to the position in the administrative district of Lahore. The ratio of the Muslim population to the non-Muslim population in the district (according to the Census of 1941) is 60.62 to 39.38. However no one turns to the figures as to ownership of land in that district, the Muslim majority of 60.62 per cent own only between 32 to 33 per cent of land in the district and non-Muslim minority of 39.38 owns the remaining 67 to 68 per cent of the land. Taking the figures as to the payment of land revenue, the non-Muslim minority in the district pays as much as 68 per cent of the total amount of the land revenue, the Muslim majority paying the remaining 32 per cent.

These facts clearly show the large economic stake of the non-Muslims in the district - a factor which must receive the earnest attention of those demarcating the boundaries of the two parts of the Punjab. It may be mentioned that a similar situation exists in several other districts.

A reference may also be made to facts in regard to the ownership of property in the urban areas. Though according to the 1941 Census the town of Lahore has majority of Muslim inhabitants, the Urban Immovable Property Tax paid by Muslims in the city of Lahore is Rs. 4,06,747 as compared with Rs. 9,40,248 paid by the non-Muslims. In the City of Lahore in the year 1946-47 the non-Muslims were assessed to House Tax in the sum of Rs. 6,99,283/13/6 whereas the Muslims were assessed in the amount of Rs. 4,35,530/14. A similar position exists in reference to most of the urban areas in the province.

Industrial and Commercial Enterprises

(f) The industrial and commercial enterprise of the non-Muslims has built up a large number of factories, workshops and commercial institutions involving larger capital in various areas which under the notional division are put in the western districts. In the districts of Lahore the registered factories, which are power-driven and where twenty or more men are employed number 186. Out of these 78 only are owned by Muslims and the remainder belong to non-Muslims. In the Montgomery and Lyallpur districts, out of a total of 27 and 57 factories respectively only 8 and 15 factories respectively, are owned by Muslims.

In the City of Lahore, the total number of banking offices is 97, out of which 22 are Head Offices. Of these banking offices and their branches, only seven are run by the Muslims. These banking offices have a working capital of over 100 crores of rupees and out of this total of the banking offices run by the Muslims comes to only about half a crore of

rupees. The City of Lahore has 18 Insurance Offices including the Head Offices of 15 Insurance Companies. Only two out of these offices are managed by Muslims. Apart from banking and insurance offices, the trade and commerce of the city is mainly in the hands of the non-Muslims. This will be apparent from the figures as to the payment of the tax on the sale of goods. The non-Muslims paid in respect of this tax Rs. 5,19,203/3/- as against Rs. 66,323/2/- paid by the Muslims. What has been said about the City of Lahore holds true of all urban areas in the whole of the province.

The Railway system, other means of communication and the Hydro-electric system.

(g) The boundary line to be demarcated will also have to be such as to provide adequate feasible and economic means of communication to each part of the province. On the basis of the notional division, the railway system will be cut at six points as follows:--

- (i) Amritsar-Pathankot-Joginder Nagar Section at Jaintipur and Pathankot;
- (ii) Amritsar-Verka-Jessar Section near Fatehgarh Churian;
- (iii) Amritsar -Kasur Section near Patti;
- (iv) Kasur-Ferozepur Section near Candasinghwala;
- (v) Amritsar-Lahore Section near Attari.

This is clearly undesirable because the larger the number of points at which the rail route is cut near the frontier the greater would be the chances for smuggling, escape of offenders and the difficulty in the control of emigration and immigration. It is also essential from a railway point of view that the points of interchange between the two states should be as few as possible and should be situated at points where there are stations at a short distance from the frontier. In the eastern part of the province according to the notional division we have 1,862 miles out of a total route mileage of 6,891 on the whole North-Western Railway. The traffic density on the portion in the eastern part is much more than in the western part. The percentage is as follows:--

	Item	Western A	Eastern B	Percentage of A & B	
1.	Goods wagons census	22,200	13,800	61.7	38.3
2.	Passenger train miles	2,700	1,396	65.4	38.6

An equitable distribution of the rolling stock (1,198 locomotives, 36,000 wagons, and 3,634 carriages) would place 465 locomotives, 13,800 wagons and 1,720 carriages in the portion of the railway going to the eastern part. This portion of the stock, which is nearly 40 percent of the total on the North Western Railway would require facilities for repairs and maintenance. This facility is at present provided by the Moghalpura Workshop at Lahore and it is essential that these facilities should continue to be available to the eastern part of the province. There is no other workshop on the North-Western Railway available in the eastern part, the nearest workshop on other railways being situated at Lucknow and Jhansi.

These are too far away to be of practical use. Further neither of these two workshops has at present the capacity to undertake any additional work nor is either of these workshops capable of expansion (Raven Report on State Railway Workshop Committee, 1926, pages 11, 13, and 14). It is, therefore, absolutely essential that the Moghalpura Workshops should be available to the eastern part in order that the railway in the eastern part of the province should be able to function. It may be mentioned that the western part has workshop facilities at Karachi, Sukkur and Rawalpindi. Workshops at these places existed not long ago and the buildings and tracks are still intact. These workshops, and particularly the one at Sukkur can be rehabilitated in a short time by transfer of a part of the machinery from the Moghalpura Workshops and be equipped so as to deal with the full requirements of the western part of the province.

The inclusion of the Gurdaspur district in the western part will have the result of disrupting the only line of Railway communication which exists between Amritsar and the Kangra district via Gurdaspur and Pathankot.

Amritsar is the market for the valuable produce of the Kangra district and there is a large amount of railway traffic between the two points. Not only will there be no alternative route to the Kangra valley so as to connect it with other parts of the eastern part of the province but by reasons of the hills dividing off the Kangra valley the construction of a new railway line giving access to the Kangra valley will not be feasible.

Roads

A good deal of what has been said above in reference to railways applies equally to road system at too many points. The only all-weather motor approach not only to the Kangra valley but also to Kulu and the frontier tracts of Lahaul and Spiti at present is via Pathankot and Gurdaspur. The only other possible route to these areas is via Hoshiarpur and Bharwain; but this route is most unsatisfactory as the road is unmetalled, the gradients are bad and the river Beas is unbridged. Even if this route were practicable it would be a circuitous route so far as Amritsar is concerned. Therefore from the point of view of road communications, it is essential that Gurdaspur should be a part of the eastern part of the province.

The only existing feasible means of road communication between the Ferozepore district and eastern part of the Amritsar district is via Lahore or Kasur and Bhikiwind. The other route via Ludhiana is too circuitous to be used as a commercial route.

The Punjab has an efficient system of road communication which has been developed at considerable cost to the revenues of the province as a whole. These roads today consist of 4,426 miles of Class I and 9,235 miles of Class II roads metalled and unmetalled. In the notional division, the eastern part gets only 1,850 miles of Class I and 3,462 miles of Class II roads as against 2,576 miles of Class I and 5,773 miles of Class II roads in the western part. Apart from other considerations this division of the roads will be most unfair to the eastern part.

The Hydro Electric System

The Mandi Hydro Electric Scheme which has a generating station at Jogindernagar in the Mandi State, supplies power which is utilised in the districts of Kangra, Gurdaspur,

Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura, and Lyallpur. This power is transmitted over 1,23,000 volts extra high tension line from Jogindernagar to Lahore and from Amritsar to Jullundur and over a 66,000 volts extra high tension line from Lahore to Ferozepore and Lahore to Sheikhupura and Lyallpur. The entire high tension line is designed to function as one unit. This Hydro Electric Scheme represents an investment of a crores of rupees and in order to preserve this investment and to ensure a supply of power to industrial and other consumers, it is essential that this transmission system should be under the control of one Government. Any works for the modification of the existing lines so that they may serve the two different governments is impracticable by reason of the difficulty of obtaining the necessary equipment and the large cost which it will involve.

Movement of population consequent on the partition

(h) Having regard to the circumstances which have brought about the partition of the Punjab, a considerable section of the non-Muslim population which will be left in the western part of the province will, in order to safeguard its person and property migrate from the western part to eastern part. Further with the colonization of the new areas there has always been a movement of population from the over-populated and old colony areas. There has already been some movement of population for the development of the Haveli Colony in the Montgomery and Multan districts which is still in progress. Further, the Thal canals having been opened, it will be necessary to find a large number of suitable colonists for the new colonies which are springing up. This will mean a movement of population to the extent of about 10,00,000, which, in the circumstances, will consist mainly of Muslims. Having regard to the density of population in the eastern part and the large number of non-Muslim immigrants who are sure to migrate to the eastern part, it is essential that large tracts should be available to the eastern part in which these immigrants can be settled. These considerations strengthen the claim of the eastern part to have allotted to it the districts of Lyallpur and Montgomery.

Extent of the area claimed for the eastern part of the province

11. The area claimed for the eastern part of the province comprises.

- (1) Ambala Division ... (Gurgaon, Rohtak, Hissar, Karnal, Ambala and Simla districts)
- (2) Jullundur Division ... (Ludhiana, Ferozepore, Jullundur, Hoshiarpur and Kangra districts.)
- (3) Lahore Division ... (Gurdaspur, Amritsar, Lahore, Gujranwala, Sialkot and Sheikhupura districts).
- (4) Lyallpur district, and
- (5) Montgomery district.
- (6) Such other adjoining parts as may be necessary from canal or colony considerations.

This is a compact contiguous non-Muslim majority area. It has a substantial majority

of non-Muslims. The placing of the whole of this area in the eastern part of the province has the great advantage of ensuring mainly the integrity of the canal systems and reducing the split of the Sikhs to the minimum. Out of a total population of 37,57,401 Sikhs in the British Punjab, there will be included in this area about 34 lakhs. The further advantage of constituting that area as the eastern part of the province will be to give the Indian Union a firm and suitable frontier which is a matter of importance for the purpose of strategy and defence.

12. We will now proceed to examine each of the divisions and the districts above-mentioned with a view to show that the claim that they should be included in the eastern part of the province is well-founded.

Ambala and Jullundur Divisions

These divisions have a preponderating by non-Muslim population, the percentage of non-Muslim in the Ambala Division being 71.93 and in the Jullundur Division 65.47. Each of the districts constituting these divisions has also a majority of non-Muslims. Both these divisions clearly constitute contiguous non-Muslims areas. Land in these divisions is owned mainly by the non-Muslims and the non-Muslims have a preponderating large stake in the economic structure of these divisions. This is shown by the large proportion of land revenue, Urban Immovable Property tax and other taxes paid by the non-Muslims.

LAHORE DIVISION, Amritsar District

This district has a majority of non-Muslims the percentage of non-Muslims and Muslims being 53.48 and 45.52 respectively. The position in regard to ownership of land and economic interests in this district is more or less the same as in the case of the Ambala and Jullundur divisions. The proportion of the ownership of agricultural land is indicated by figures as to the payment of land revenue which reveal that out of the total revenue of about 16 lakhs of rupees Muslims pay only about 3 lakhs of rupees and the non-Muslims pay rupees 13 lakhs. The ownership of urban immovable property is indicated by the figures relating to the payment of the Urban Immovable Property Tax which show that Muslim assesses numbering 1,500 pay about Rs. 71,800/- whereas non-Muslim assesses numbering 6,292 pay about Rs. 38,33,704/- The percentage of the amount paid by the Muslim assesses is about 16% and that of the non-Muslim assesses is about 84%. The figures as to the payment of the Sales Tax show a still greater disparity. This tax amounting to Rs. 27,500/- is paid by Muslims as compared with Rs. 10,30,648/- paid by non-Muslims. The proportion of the Sales Tax paid by the Muslims comes to less than 3%.

Amritsar town is the largest trade centre in the Punjab. It is the accustomed market for the produce and manufacture of Ludhiana, Jullundur, Hoshiarpur, Gurdaspur, Kangra, Kulu, Lahaul, Spiti, Chamba, Mandi, Suket, Jammu, Sheikhupura, Gujranwala, Sialkot and in part for the district of Lyallpur. In this district is situated the most famous of the religious shrines of the Sikhs, the Golden Temple of Amritsar, and all over the district are to be found Sikh Gurdwaras in large numbers.

Amritsar, Gurdaspur and Lahore districts have witnessed the rise and growth of the

Sikhs and these districts are full of landmarks of Sikh history and tradition. The town of Amritsar is the centre of Sikh educational activity, the largest Sikh educational institution, namely, the Khalsa College being situated there.

Gurdaspur District

This district is bounded on the

east by Hoshiarpur and Kangra;

south by Amritsar-all these are non-Muslim majority districts;

north by the predominantly non-Muslim areas in the Kathua district of the Jammu State and by the Chamba State which is also an overwhelmingly non-Muslim area;

west partly by the Narowal tehsil of the Sialkot district which, though it has a Muslim majority, has, in the areas adjoining the Gurdaspur district, a majority of non-Muslims.

This district is contiguous to Amritsar. It has a great affinity with the Amritsar district and, indeed, these two districts can really be said to form a single unit. Except for the hilly portion of the Pathankot tehsil, the topography and the general physical aspect of both the districts are the same and the population is homogeneous. Most part of the Gurdaspur district and the whole of Amritsar district form part of the Majha tract. Both are fed by the Upper Bari Doab Canal which has its headworks at Madhopur in the Pathankot tehsil and which runs through the length of both the districts. This canal is really the life-line of the two districts. The total area of the two districts is as follows:-

Gurdaspur district	1,827 sq. miles.
Amritsar district	1,561 sq. miles.
Total	3,389 sq. miles.

It will be noticed that the aggregate area of the two districts is less than that of most of the districts of the Punjab and lesser even than that of such medium sized districts as Ferozepore and Lyallpur which have areas of 4,063 and 3,515 sq. miles respectively.

The whole of the trade of the Gurdaspur district passes through Amritsar which is the clearing house for exports and imports of Gurdaspur.

The Census figures of 1941 of the aggregate population of Muslims and non-Muslims in these two districts show that the non-Muslims are in a majority of 72,051 over the Muslims. This superiority of non-Muslims in numbers is not peculiar to the 1941 Census, but it has been maintained from early years. The following table gives the figures:--

Year of Census	District	Total	Muslims	Non-Muslims,	Excess of non-Muslims
1891	Gurdaspur Amritsar	943922	459039	484883	24844
		992697	452337	540460	88223
	TOTAL	1936619	911276	1025343	113067
1901	Gurdaspur Amritsar	940334	463371	476963	13592
		1023828	474976	548852	73876
	TOTAL	1964162	938347	1025785	87468
1911	Gurdaspur Amritsar	836771	408216	428555	20339
		880728	408882	471846	62964
	TOTAL	1717499	817098	900401	83303
1921	Gurdaspur Amritsar	852192	822877 ⁽¹⁾	429315	6438
		929374	423724	505650	81926
	TOTAL	1781566	846601	934965	88364
1931	Gurdaspur Amritsar	970898	493216	477682	15534
		1118712	524676	594636	69360
	TOTAL	2089610	1017892	1017718 ⁽²⁾	53826
1941	Gurdaspur Amritsar	1153511	589923	563588	26435 ⁽³⁾
		1413876	657695	756181	98486
	TOTAL	2567387	1247618	1319669 ⁽⁴⁾	72051

Taking the district of Gurdaspur by itself, the total population of the district (1941 Census) is 11,53, 511. This is distributed among Muslims and non-Muslims as follows:--

Muslims	5,98,923
Non-Muslims	5,63,488 ⁽⁵⁾

- (1) Should be 4,22,877
- (2) Should be 10,71,718
- (3) Should be 26,335
- (4) Should be 13,19,769
- (5) Should be 5,63,588

This shows an excess of 26,435⁽⁶⁾ Muslims over non-Muslims. The resulting percentage is Muslims 51.14% and non-Muslims 48.86% though in the Census Report, 1941, (page 18) the percentage is mentioned as being Muslims 50.23% and non-Muslims 49.77%. It has, however, to be noticed that the excess of Muslims over non-Muslims for the first time appears in the census figures of this district in the year 1931. The unreliability of the census figures for 1931 and 1941 and the reasons which led to the inaccuracy of these two censuses have been mentioned and discussed above. It is, therefore, essential to look at the census figures prior to 1931. These figures show a non-Muslim majority from 1881 to 1921 as shown by the under-mentioned table:-

Year of census	total population	Muslims	Non-Muslims	Excess of Muslims	Non-Muslims
1881	8,23,695	3,91,400	4,32,295		40,895
1891	9,43,922	4,59,039	4,84,883		25,844
1901	9,40,334	4,63,371	4,76,963		13,592
1911	8,36,711	4,08,216	4,28,355		20,339
1921	8,52,192	4,22,877	4,29,315		6,438
1931	9,70,898	4,93,216	4,77,682	15,534	
1941	11,53,511	5,89,923	5,62,488	26,435	

(6) Should be 26,335

It is interesting to note the figures of adult population of Muslims and non-Muslims aged 20 years and over in this district at the time of each census from 1901 to 1931 which, even including the inaccurate census of 1931, show a majority of non-Muslims adults. The under-mentioned table gives the figures and the percentage.

Year	Muslims	Non-Muslims	Total	Percentage of Muslims to total
1901	2,35,194	2,52,376	4,67,570	48.2
1911	2,03,761	2,25,793	4,29,354	47.4
1921	2,05,571	2,20,534	4,26,005	48.2
1931	2,27,753	2,34,845	4,62,599	49.2

Unfortunately, the age distribution was not worked out by the census authorities for the 1941 Census and it is not possible, therefore, to give the figures of Muslims and non-Muslim adults for that year. If one takes the ratio of the adults to the non-adults disclosed by the 1931 figures and applies that ratio to the census figures of 1941, the results as to Muslim and non-Muslim adults is as follows:-

Muslims	2,72,419
Non-Muslims	2,77,081

It would thus appear that even if the figures of the 1941 census were accepted, the persons entitled to vote at a plebiscite of the adult population would have a majority of non-Muslims. The figures as to the payment of land revenue of this district indicate that in the ownership of agricultural land, the non-Muslims have a much larger share (65 per cent) than the Muslims. Similarly, the figures in regard to the payment of Urban Immovable property Tax indicate that the ownership of urban immovable property in the district is preponderantly in the hands of the non-Muslims.

Reference may also be made to the position disclosed by the electoral rolls for the Legislative Assembly in this district. These show

Muslims	74,790
Non-Muslims	81,525
Total	1,56,315

There is thus an excess on these rolls of 6,735 non-Muslims over Muslims.

The only railway communication and the main road communication between Kangra district and Kulu, Lahaul and the States of Chamba, Mandi, Suket on the one hand and Amritsar and the rest of the Punjab on the other pass through Gurdaspur. If this district is to be a part of the territory of a state different from that in which Amritsar and Kangra fall, the whole system of communications will be disrupted. The most important trade routes between the places mentioned pass through Gurdaspur and freight and traffic are carried over the lines of communication passing through this district.

The Mandi Hydro-electric Scheme Power House is situated at Jogindernagar in the Mandi State. The transmission line carrying power to Amritsar and Lahore, Ferozepore, Jullundur and Ludhiana etc. pass through Kangra and then through the Gurdaspur district. It is essential that this transmission line and its control should rest with the eastern part of the province.

The handworks of the Upper Bari Doab Canal are situated at Madhopur in the Pathankot tehsil of the Gurdaspur district. As stated above this canal is the life-line of the major portion of the Amritsar and the Lahore districts. It is, therefore, essential that the district where the headworks of this canal are situated should also form part of the eastern part of the province.

This district is closely associated with Sikh history and tradition. Guru Nanak, the founder of the Sikh religion, was married and lived at Pakhoki (now called Dera Baba Nanak) for many years and died at Kartarpur in the Shahargarh tehsil of this district. Both these are places of great sanctity for the Sikhs. For fifth Guru, Guru Arjan Dev, lived at Srigobindpur in Batala Tehsil. The 6th Guru, Guru Hargobind, started his career at the same place. The 7th Guru, Guru Har Rai, was also connected with this district. The shrine of Tahli Sahib at Ghakkar Kotli (Shakargarh tehsil) is sacred to his memory.

Shakargarh Tehsil

The case of Shakargarh tehsil of Gurdaspur district stands on a slightly different footing from that of the rest of the district in as much as it is situated on the other side of

the river Ravi and is not irrigated by the Upper Bari Doab Canal.

The northern part of the tehsil is inhabited by Dogra Rajputs and is adjacent to the predominantly Hindu area of the Jammu State; the eastern and southern parts are inhabited by Sikhs; the central and a section of the western part are inhabited by the Muslims. The latter parts are separated from the Muslim areas of Sialkot district by the intervening non-Muslim majority area in Narowal tehsil.

The community-wise figures of the tehsil for the Censuses beginning with the year 1901 are given below:--

Year of Census	Total population	Muslims	Non Muslims	Excess of non-Muslims
1901	2,34,565	1,15,179	1,19,276	4,097
1911	2,34,447	1,03,356	1,07,091	3,735
1921	2,12,849	1,06,168	1,06,681	513
1931	2,47,373	1,25,828	1,21,535	(-) 4,284
1941	2,91,505	1,49,600	1,41,905	(-) 7,695

It is evident from the above figures that upto 1921 the non-Muslims were in majority in this tehsil. The census of 1931 and 1941 which as already pointed out, are unreliable, show only a slight excess of Muslims. This difference in population is, however, so small that it may be ignored in view of the other factors.

Out of the total area of 4,37,519 acres, the non-Muslims own 2,57,996 acres of land as against 1,79,523 acres owned by the Muslims, the percentage of non-Muslims being 59.

In the list of voters prepared for the Punjab Legislative Assembly as late as the beginning of 1947 the strength of the various communities was reflected as follows:--

Non-Muslims	22,549
Muslims	17,297

The above-mentioned facts show that the supposed majority of 7,695 of Muslims as shown by the Census of 1941 in this tehsil is fictitious and that the true position is that the non-Muslims are in a majority as they are shown to have been by the Census figures of 1911 and earlier years.

Lahore District

Lahore district is contiguous on the north-east with Amritsar district and on the south-east with the Ferozepore district.

It comprises the uplands known as Majha tract which forms an extension of the Majha

area in Amritsar district and the lowlands known as *Hithar* which was formerly the bed of the river Beas. *Hithar* is contiguous to Ferozepore district on the south-east.

The district has an area of 2,595 square miles with a population of 16,95,375 (according to 1941 Census). That Census shows the number of Muslims and non-Muslims as follows:--

Muslims	10,27,772
Non-Muslims	6,67,603

From the reasons which have been mentioned and discussed above these figures taken from the 1941 census cannot be regarded as reliable. If the true position were examined it would be found that the district has a much smaller majority of Muslims over non-Muslims.

The figures relating to the payment of land-revenue in the district show that out of the total number of 1,81,710 owners paying land revenue, 98,813 are non-Muslims and 82,897 are Muslims. This gives a percentage of 54.4 to the non-Muslims and of 45.6 to the Muslims. Out of the total amount of land revenue of Rs. 17 46, 440/- paid in the district as much as Rs. 11,91,745/- was paid by non-Muslims and only Rs. 5,54,695 was paid by Muslims. These figures give the percentage 68 for the non-Muslims and 32 for the Muslims.

Sir Malcolm Darling in the Report of the Land Revenue Committee (1938, App.I) states that out of a total number of 1,14,965 payers of land revenue in the district as many as 85,799 pay Rs. 50/- or less annually. This shows that about 75% of the land owners in this district are peasant proprietors, rooted in the soil. Most of these peasant proprietors are non-Muslims, largely Sikhs. The following observations made by Mr. G.E.B. (now Sir George) Abell at page 2 of his Report on the 5th Regular Settlement of the Lahore district (1935-1939) are noteworthy:--

“About 66.7% of the cultivated land (in Lahore district) is in the hands of the Jats, a great majority of whom are Sikhs . . . the communal majority in the district belongs to the Muslims, but a great many of them are town-dwellers, menials, landless tenants and very small peasant farmers and the typical zamindar of the district is the Sikh Jat.”

The predominance of the Sikhs as peasant proprietors and cultivators is to be found not only in the district as a whole but in each of the three tehsils constituting the district. This appears from Mr. Abell's remarks in the Assessment Reports of the various tehsils.

With regard to the Lahore tehsil, after giving the average holdings, he says:--

“It is thus a Jat tehsil and practically all of them are Sikhs. Hence, its repute as the home of an unruly but by no means inefficient body of cultivators.”

In another paragraphs of the same Report, he states:--

“Jats are by far the most important tribe and are the backbone of the proprietary body. they are mostly Sikh by religion . . .”

In regard to the Kasur tehsil, Mr. Abell remarks:--

"Jats, mostly Sikhs, are the back-bone of the rural population and hold 69 per cent of the cultivated areas."

Again in paragraph 29, he says:--

"69 per cent of the cultivated area of the tehsil is owned by Jats, the great majority of whom are Sikhs. Of the total population of the tehsil, only 28 percent are Sikh as against 56 per cent. Muslims, but a large proportion of the Muslims are menials, landless tenants or town-dwellers. Among the land-owning classes, Jat Sikhs are by far the most important."

As to the Chunian tehsil, Mr. Abell says:--

"Among cultivating tribes, Jats occupy 62.7% and of the remaining, Arains 6 per cent and Rajputs 6.1 per cent. No other body of land-owners need special mention. Jats are nearly all Sikhs and have the usual characteristics of a powerful and somewhat unruly race."

The lands of the Lahore districts are irrigated mostly by the Bari Doab Canal which has its headworks at Madhopore in the Pathankot tehsil of Gurdaspur district. As stated above this canal was constructed in 1851 to find employment for the disbanded Sikh soldiery and to settle them to agricultural pursuits. This canal is the artery of the Majha and is the life-line of its population. It may be said to have been constructed by the Sikhs for the Sikhs. This canal terminates at the end of the Majha and the area served by it in the Gurdaspur, Amritsar and Lahore districts forms a single irrigation unit.

Between Lahore and Amritsar and Lahore and Ferozepore there exist numerous and very strong, special, economic and commercial links. Transport and communication also closely knit these districts together. Figures regarding immigrants reproduced in Table VII of the Lahore District Gazetteer Part (B) 1936 show that there has been a very large interchange of population between Lahore and other districts of Eastern Punjab. The Lahore-Amritsar section of the North-Western Railway carries the heaviest goods traffic as compared with other sections of this railway. The Lahore-Ferozepore Section of the Railway is also an important line of communication which links up Lahore with Ferozepore. The whole of the Amritsar-Kasur and Kasur-Ferozepore Section must be included within the eastern part of the province to be available for an efficient turn-round of railway traffic in this area through Amritsar and Ferozepore. The only existing feasible means of road communication between Amritsar and Ferozepore districts is also via Lahore or Kasur and Bhikiwind.

The electric supply to Ferozepore from the Mandi Hydro-electric Scheme is conveyed by the main transmission line which runs through Gurdaspur and Amritsar districts and a branch transmission line which runs through Lahore district to Ferozepore via Kasur. It is essential that the whole of the transmission line should be under the control of one authority and must, therefore, lie in the eastern part of the province.

Strategic considerations also point to the inclusion of the district in the eastern part

of the province. Amritsar which is an important market for the eastern and central part of the province would, unless this district is included in the eastern part, be strategically in danger, its south-west flank being exposed.

The main part of the Lahore district is the Majha which is rightly described as the cradle of the Sikhs. The Sikhs of the tract formed the flower of Maharaja Ranjit Singh's army and have been and are still an important section of the Indian army.

The Majha is one of the important reserves for recruitment to the army. The exclusion of the Lahore district from the eastern part of the province will deprive the Indian Union of this important source of recruitment and will also deprive the Sikhs of one of their chief occupations.

Assuming without conceding, that the Muslims are in a small majority in the Lahore district, the considerations above mentioned are more than enough to outweigh the population factor and to warrant the inclusion of the district in the eastern part of the province.

Lahore city

Having regard to the importance of the City of Lahore it is necessary to deal with it as a separate part of the district of Lahore.

The figures of the 1941 census show a total population of 6,71,659 out of which Muslims are stated to be 4,33,170 and non-Muslims 2,38,489, giving the Muslims an excess of 1,94,681 which gives them a percentage of 64.5 per cent of the total population. It will be apparent from what is stated hereinafter that this alleged Muslim majority is fictitious.

The Census figures of 1911 show that the total population of the city was 2,28,714, out of which 1,29,301 were Muslims and 99,413 were non-Muslims, the percentage of Muslims being 56.5 per cent, of the total population. A comparison of three figures with the figures of the 1921 Census is interesting in as much as it reveals that between 1911 and 1921 there was a large influx of non-Muslims into the City. The total population shown by the Census of 1921 is 2,81,781 of which the Muslims number 1,49,044 and the non-Muslims, 1,32,737, the percentage of the Muslims to the total being 52.58 per cent. It will be seen from these figures that whereas the Muslim population during the ten years, from 1911 to 1921, increased by about 20,000 the non-Muslims population increased during the same period by about 33,000. This larger increase in the number of the non-Muslims minority clearly establishes the flow of non-Muslims into the City which had taken place during that decade. In this connection it is necessary to remember what has already been referred to that, in so far as the Hindus and Sikhs are concerned, the 1921 Census figures are a very large underestimate, as both these communities non-co-operated in the taking of the Census in the year 1921. If this fact is borne in mind, the small percentage of the excess of Muslims over non-Muslims appearing in the Census figures of 1921, namely 2 per cent may well be disregarded, so that the conclusion which can safely be reached is that in the year 1921, the population of the city was about equally divided between Muslims and non-Muslims. In 1923, the limits of the City were extended by the addition of fresh areas. This extension had the effect of bringing into the urban area some rural portion which had a preponderant number of Muslims and the ratio of the population was altered in favour of the Muslims. The figures of the 1931 Census give a total population of 4,29,747, of which Muslims number,

2,49,315 and the non-Muslims 1,80,432, the percentage of the Muslims to the total population being 58. for the reason already mentioned the Census figures of 1931 cannot be accepted as correct as the Hindus did not co-operate in that Census. Bearing that consideration in mind and remembering the extension of the city area in 1923, it may be said, notwithstanding the excess of 8 per cent shown by the Census figures that the population of Muslims and non-Muslims in the city continued to be about equal in the year 1931. In 1939, the Municipal limits of Lahore were further extended, by the addition to them, of about 102 sq. miles so that the total area within the Municipal limits increased to 128.17 Sq. miles. These extended limits of the City included a large undeveloped rural area containing about 12.1 per cent of the total population of Lahore as shown by the 1941 Census figures. As much as 87.8 per cent of this added population consisted of Muslims. (The figure of 87.8 is taken from the data collected by the Punjab Board of Economic Enquiry. It has been already stated that there was in fact no reliable enumeration made for the Census of 1941 and the Census figures of that year are not Census figures in the true sense. Even taking those figures, if the large undeveloped rural area, newly added, were excluded, the Muslim majority of 64.6 per cent shown by the Census figures of 1941, will be reduced to 53.5. it is submitted that only the developed area of Lahore should form the basis of calculation and the figures for that developed area, even on the basis of the Census of 1941, yield 53.5 as the percentage of the Muslim majority. Remembering the unreliability of the Census figures of 1941, it would be safe to conclude that in the real and effective part of the City of Lahore, namely, the developed area mentioned above, the proportion of non-Muslims and Muslims was in the year 1941 about equal.

This conclusion is supported by certain figures in regard to the rationing area, within the limits of Lahore Corporation. This area consists of the Corporation limits less Shahdra and some villages, the population of which in the Census of 1941, is shown to be about 16,500. According to these rationing figures, the total number of persons drawing rations amounts to 9,10,017, out of which Muslims number 4,90,177 and non-Muslims 4,19,840. According to these figures,, which were collected by the Lahore Rationing Controller in 1945, the percentage of Muslim ration card-holders is about 54 per cent of the total ration-card holders. These figures apportion to the year 1945 and are, therefore, more to the purpose in estimating the population of the City of Lahore in the year 1947. It is submitted that the rationing figures mentioned above support the conclusion that in the city of Lahore, the proportion of Muslims and non-Muslims is about equal.

That being the position on the population basis, we shall next examine various other facts which stamp the economic, commercial and cultural life of the City to be mainly non-Muslims. Its present importance as the capital of the province and its commercial and industrial life and its educational and other institutions have been built up to a very large extent by the efforts of non-Muslims.

In order to appreciate the stake of non-Muslims in the City and their permanent interests in it, it is necessary to refer to the figures with regard to the payment of the Urban Immovable Property Tax in the City. The amount of this tax paid by the Muslims is Rs. 3,96,189/- as compared with Rs. 9,24,358/- paid by the Muslims. The proportion of the non-Muslims and Muslims respectively is 70 to 30. This fact establishes that more than two-thirds in value of the house property within the Corporation limits is owned by non-Muslims. It would thus appear that a large proportion of the Muslim population in the City is migratory

and fluctuating, without any stake in the City.

The figures as to the payment of the Sale Tax show that an amount of Rs. 5,19,203/3/- was paid by non-Muslims as against Rs. 66,323/2/- contributed by the Muslims. These facts show that an overwhelming proportion of the trade and commerce of the City is in the hands of the non-Muslims.

Lahore is an important banking and commercial centre. The total number of banking offices situated in the City is 97 out of which 22 had their head offices in Lahore. Out of these banking offices and branches, only seven were run by Muslims. The amounts depositing in these banking offices came to over Rs. 100 crores out of which only about a crore of rupees represented the share of the Muslim banking offices.

In December, 1946, there were about 30 insurance offices working in Lahore. These included Head Offices of 15 insurance companies. Out of these insurance offices, only 2 offices were run by Muslims.

According to a survey carried out by the Punjab Board of Economic Enquiry which collected data for the year 1943-44, there was a total number of 215 factories in that year in the City of Lahore owned by Indians. Out of these, as many as 167 were owned by non-Muslims. The total fixed and circulating capital invested in these registered factories amounted to 6.05 crores. The share of non-Muslims in this total amounted to 4.88 crores. i.e. about 80 per cent of the total investment.

Lahore is the centre of the educational and cultural life of non-Muslims in the province. In this connection figures available from the University may be referred to. Excluding the institutions managed by the Government and the University, out of the 16 Colleges situated in Lahore, only three are run by the Muslims. Similarly, out of the 40 privately managed High Schools 13 are run by Muslims. Non-Muslims have spent crores of rupees and years of efforts in the building up of these institutions. Out of the candidates appearing in the various University examinations only 28.51% are Muslims. Whether one considers the persons by whom the institutions are run or the persons receiving instruction in them, it is apparent that Lahore is a preponderantly non-Muslim educational centre.

Several important libraries in the City for the use of the public have been established by non-Muslims at the cost of lakhs of rupees and have contributed to the intellectual and cultural advancement of the City and its residents.

The importance of Lahore as a Railway centre and its connection with Amritsar and Ferozepore and other towns of the eastern Punjab have already been stressed.

The Pakistan Government will obtain the important cantonment of Quetta in Baluchistan and the elaborate defences built up in N.W.F. Province. They will also have Rawalpindi which is the largest cantonment in Northern India and is the headquarters of Northern Command. The only cantonment of any size left in the Punjab is that of Lahore. It is essential to the defence of the Indian Union and the eastern part of the Punjab that this cantonment should form part of the eastern Punjab.

Lyallpur District, Montgomery District and other adjoining necessary parts

It will be convenient at this stage to deal with the districts mentioned in the margin. These districts consist of colony lands irrigated by three district canal systems, namely the Lower Chenab, the Lower Bari Doab and the Pakpattan Canal. The head work of the Lower

Chenab Canal are situated at Khanki in the Gujranwala district. The canal passes through parts of Gujranwala and Sheikhupura districts, irrigating parts of these areas, and then enters the Lyallpur district which is wholly irrigated by this canal. The lower Bari Doab Canal has its headworks at Balloki, in the Lahore district. It draws its waters from the river Chenab. A canal transporting these waters takes off from the Chenab at Marala in the Sialkot district and runs through the districts of Sialkot, Gujranwala and Sheikhupura irrigating parts of Sheikhupura and Gujranwala on its way. The Lower Bari Doab Canal irrigates nearly half of the Montgomery district and a small part of the Multan district. The Pakpattan Canal takes off from Sulemanki (near Fazlika in the Ferozepore district). This canal irrigates the southern portion of the Montgomery district and a part of the Nili Bar Colony in the Multan district. The Pakpattan Canal is interlinked with the Lower Bari Doab Canal and uses the waters of river Chenab also.

The chief object of Government in founding canal colonies was to relieve the pressure of population in the congested districts and to people the colonized area with the healthy agriculturist community of the best Punjab type.

In pursuance of this policy the bulk of the land not reserved for the small number of local inhabitants was allotted to small agriculturists of the best type from the congested districts of the central and the eastern Punjab, among whom Hindu and Sikh peasants form a considerable proportion (pages 84-85 of the Punjab Colony Manual 1922). The success of the Lower Chenab colonisation scheme was primarily to be traced to the characteristics of these immigrant settlers. The influx into the area irrigated by these canals was viewed with jealousy and even hostility by the original inhabitants and these colonists had to contend with enormous difficulties.

Lyallpur

Most of the Lyallpur and Jaranwala tehsils and parts of Samundari and Toba Tek Singh tehsils which form the heart of the Lyallpur colony are mostly inhabited by non-Muslims consisting mainly of Sikhs who form the majority of the population. These colonists came largely from the central and eastern Punjab and have contributed in a great measure to the development of this colony. It was estimated in 1914 that of the total population of the Lyallpur colony 52,751 persons were immigrants from Gurdaspur alone (Gurdaspur Districts Gazetteer, 1914, page 32). These colonists are peasant proprietors in the heart of the colony hail chiefly from Amritsar, Jullundur, Ludhiana, Hoshiarpur, Ambala, Ferozepore and Sialkot districts.

Whereas the Sikhs played a major part in the development of the rural area of this colony, the urban area was built up mainly by the enterprise of the non-Muslims, chiefly, Hindus. It would be correct to say that almost the entire trade, commerce and industry of the Lyallpur district are in the hands of non-Muslims. This is shown by figures in regard to the payment of the Urban immovable property tax, the Sales Tax and Income Tax. In the year 1945-46 the non-Muslims paid Urban Immovable Property Tax in the amount of Rs. 1,40,300, whereas the Muslims paid Rs. 22,900. The amount of Sales Tax paid by the non-Muslims was Rs. 3,08,000 as compared with Rs. 17,000 paid by the Muslims. The Income Tax paid by the non-Muslims amounted to Rs. 59,50,000 compared to Rs. 5,00,000 paid by the Muslims. Of the total number of 72 registered factories in the district 57 factories

were run by non-Muslims and only 15 were run by Muslims.

The Hydro-electric transmission line from Mandi terminates in the Lyallpur district, and the inclusion of Lyallpur in the eastern part of the province will preserve the integrity of the line.

Apart from the factors mentioned above a glance at the map indicates the existence of a continuous non-Muslims majority tracts extending from Toba Tek Singh in the west to the eastern boundary of the Lyallpur district and beyond it up to the boundaries of the Gurdaspur and Amritsar districts. This tract clearly constitutes a contiguous non-Muslim majority area. It may be mentioned that the bulk of the immovable property in this area, both rural and urban, is owned by the non-Muslims.

Montgomery

On the north-west of the Montgomery district and beyond the Ravi lies the district of Lyallpur and on the south-east of the district runs the river Sutlej dividing it in part from the Ferozepur district. On the north-east and south-west lie the districts of Lahore and Multan.

Parts of this districts and small portion of the Multan district and irrigated by the Lower Bari Doab Canal. Immigrants into Lower Bari Doab Canal area number 1,70,000. The main districts of origin in order of importance are Jullundur, Lyallpur, Lahore, Jhang, Amritsar, Hoshiarpur, Ferozepur and Gurdaspur (Montgomery District Gazetteer, Part A, 1933, page 82). These immigrant colonists are, as elsewhere in the canal colonies, peasant proprietors, rooted in the soil, and have natural cultural and social ties with the districts from which they have migrated.

Some parts of the Montgomery districts and a small portion of the Multan district form the Nill Bar Colony which is irrigated by the Pakpattan Canal. "Up to the time of the 1931 Census 61,000 immigrants into this colony were reported of whom the most important districts of origin were Lahore, Amritsar and Jullundur" (Montgomery District Gazetteer, Part A, 1933, page 83). These immigrants naturally have social and cultural connections with the districts from which they have immigrated.

The trade, commerce and industry of Montgomery district are almost entirely in the hands of the non-Muslims.

The colony lands in the Punjab were originally allotted to individual peasant proprietors. The allotments took place at the discretion of, and according to the plans arbitrarily drawn up by the Colonization Officer. No one then could foresee a division of the province and the Colonization Officer settled the colonists in different parts, spreading them out all over the place, paying no regard to their districts of origin. Thus the colonists of different communities have formed themselves into islands, big and small, scattered all over the Colony areas. In the case of the Lyallpur district, as had already been stated, one of these islands, constitutes a large non-Muslim majority area with its boundary contiguous on the south-east to the boundaries of Amritsar and Gurdaspur districts. In other colonies however, such large contiguous blocks are not to be found.

The conditions on which the lands were allotted to the colonists stipulate that if the grants proved to be unsatisfactory the land could be exchanged.

As most of the Colonists have come from the central and eastern Punjab, it is clear that they have their cultural, matrimonial and social relations and ties with their parent

districts. These colonies are a mere offshoot of the parent districts and with the partition of the province, the non-Muslim colonists in the western Punjab will find it extremely difficult to maintain these relations. In the new conditions arising in the division of the province these colonists will undoubtedly wish to migrate into the eastern part of the province. It is, therefore, necessary that sufficient areas of colony should fall into the zone of the eastern part to facilitate the inevitable exchange of population which is bound to follow the partition of the province.

There also exist large areas of Crown lands in the colonies. Which have in the past contributed largely to the provincial exchequer. As the province has been depending largely on these incomes in the past to meet the financial requirements of the province, it is necessary that the eastern part of the province be given a share of these Crown lands.

Apart from what has been stated above, the eastern part of the province must have sufficient Government lands to enable grants to be made to the disbanded soldiery and to permit the natural expansion of its population.

The districts nearest to the eastern part of the province where such Crown lands are available are the Montgomery and Lyallpur districts. Out of the 16.5 lakhs of acres of Crown lands in these colonies, the Montgomery and the Lyallpur districts and the adjoining areas have only 7 lakhs acres, while the rest are all situated in the western districts.

As these colonies are served by the Lower Bari Doab Canal and the Pakpattan Canal and as it would not be feasible to cut the canal system into two parts, the district of Montgomery and such adjoining areas as form an integral part of the colonies should be included in the eastern part of the province.

In support of the claim of the eastern part of the province to the colony of Lyallpur, it has already been mentioned that both the rural and urban areas developed by the hard labour and consistent enterprise of the non-Muslims. These efforts and enterprise have turned what was once a barren and inhospitable tract into a highly industrialised area and the district of Lyallpur is now one of the most flourishing districts of the Punjab.

The amount of revenue and taxes contributed by this district to the Provincial and Central exchequer aggregates to a very high figures, indeed, the figures will equal the revenues and taxes contributed by several districts put together.

The flow of trade from this district is mainly towards the Eastern Punjab and other provinces which will now form part of the Indian Union.

What has been stated above in regard to Lyallpur, applies in a considerable measure to the Lower Bari Doab and Nili Bar Colonies. A striking instance of the part played by non-Muslims in the development of the Lower Bari Doab Colony is afforded by the tract known as the Renala tract. This vast tract was by reason of its high level excluded from the development scheme by the Government. The late Sir Gangaram, however, took upon himself this task. With his own resources, he built a power station, utilising for he purpose the fall of the canal water. With the aid of this power, water was brought up to this high level tract and it soon became a flourishing area yielding a large amount of revenue.

All these facts, particularly the efforts and enterprise of the non-Muslims towards the development of the colonies and the very large investment of non-Muslims in these colonies must out-weigh the circumstance that the Muslims form a majority of the population, and, result, in view of the overwhelming considerations mentioned above, in these colonies being included in the eastern part of the province.

Sheikhupura

This district is contiguous on its south and east to the Lahore and Amritsar districts. The district is irrigated in part by the Lower Upper Chenab Canal and in part by the Lower Chenab Canal, the headwork of these canals being at Marala in the Sialkot district and Khanki in the Gujranwala district respectively. The district is thus interlinked with the districts of Gujranwala and Sialkot on one side and Lyallpur on the other.

Across this district runs the tract above-mentioned where the non-Muslims are in a majority. This tract has an area of about 3,000 sq. miles with a population of about 14 lakhs, covers portions of Lyallpur, Sheikhupura, Gujranwala and Sialkot Districts and has a substantial majority of non-Muslims. The western boundary of the tract touches the boundary of the Amritsar district.

The trade and industry of this district have been built up by and are in the hands of the non-Muslims. The figures as to payment of land revenue and other taxes establish that the greater part of the land is owned by the non-Muslims. The Sales Tax paid by non-Muslims amounts to Rs. 1,15,168 as compared with Rs. 7,365 paid by the Muslims; and the income Tax paid by the non-Muslims. amounts to Rs. 4,41,382 compared with Rs. 33,922 paid by Muslims.

The hydro-electric transmission line runs through this district linking up Lyallpur on one side and Lahore and Amritsar on the other. The main railway communication between Lyallpur passes through this district and the tract mentioned above.

Nankana Sahib, the birthplace of Guru Nanak, the founder of the Sikh religion and the famous shrine of Sacha Sauda are situated in this district and in the tract mentioned above.

Sialkot and Gujranwala districts

The north-eastern part of the Sialkot district was for centuries a part of the State of Jammu. This part is principally inhabited by the Dogras who are closely linked culturally and linguistically with the Dogras of Gurdaspur and Kangra on the one side and Jammu on the other.

The land revenue paid by the non-Muslims is Rs. 8,44,725 as against Rs. 6,87,391 paid by the Muslims. The non-Muslims pay Rs. 1,32,870 as sales tax as against Rs. 25,311 paid by the Muslims. As to income tax, the non-Muslims pay Rs. 11,55,42 as against Rs. 3,10,000 paid by the Muslims. This shows that the non-Muslims have played a large part in the development of the district and have a large economic stake in it.

The eastern parts of Narowal tehsil of this district used to form a part of the Amritsar district. These eastern parts have a majority of non-Muslims. This area from part of the non-Muslim majority tract mentioned above.

The headwork of the Upper Chenab Canal are situated in this district and this district is closely inter linked with Gujranwala and Sheikhupura. It contains the Sikh shrine known as Ber Baba Nanak which is regarded as one of the most important shrines of the Sikhs in the province and the shrine of Gil on the Deg, the most important centre of the Kuka Sikhs

in the district. This district also has a number of other shrines belonging to the Sikhs.

As stated in Gujranwala District Gazetteer, 1935 (page 16) "the Gujranwala district was among the first in which Sikh domination was established, it has many associations with the Sikh regime and intimate connections with the fortunes of the Sikh royal family. Gujranwala was the birthplace of Ranjit Singh."

It is also stated in the Gazetteer at page 15: "In Gujranwala and Wazirabad (tehsils) the people are similar in character and habits to the ordinary peasant of the Central Punjab.

The headworks of the Lower Chenab are situated at Khanki in this district. This canal and the Upper Chenab Canal irrigate this district before passing into the Sheikhupura and Lyallpur districts.

The figures as to the payment of taxes indicate that the trade and industry of this district are also in the hands of the non-Muslims, The Urban Immovable Property Tax paid by the non-Muslims amounts to Rs. 65,000 as against Rs. 13,000 paid by Muslims. The Sales Tax paid by the non-Muslims amounts to about Rs. 2,01,765 as against about Rs. 12,500 paid by the Muslims. The income tax paid by the non-Muslims amounts to about Rs. 7,00,000 as against about Rs. 50,000 paid by Muslims.

The whole of the trade between the Central and the Eastern Punjab and from all the provinces which all constitute the Indian Union and Jammu and Kashmir State passes through the districts of Sialkot and Gujranwala. One of the chief items of export from Kashmir is timber which is transported through the Chenab and the Jhelum. The Punjab depends largely for its timber requirements upon Kashmir. Unless the boundary of the Eastern Punjab is drawn along the Chenab river, this important trade route in regard to timber will not be available to the eastern part of the province.

It is submitted that by reason of the considerations mentioned above, notwithstanding the majority of the Muslims in these two districts they should be included in the eastern part of the province.

Conclusion

It is imperative to remember that the boundary to be demarcated is an international boundary being the boundary between the Pakistan State and the Indian Union. It is obvious that such a boundary cannot be settled solely on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In order that the Commission may be free to consider all aspects of the matter, the terms of reference clearly provide that in demarcating the boundary it has to consider other factors also. It is clear that in demarcating a boundary between the two States, considerations may arise which may entitle the Commission to altogether override the population factor. The detailed review in the foregoing papers of various parts of the province discloses the existence of very vital and important factors in regard to these parts, which it is submitted, clearly require the Commission to disregard the population basis in deciding whether those parts should or should not be put on the one or the other side of the boundary line.

The claims of the eastern part of the province to the Ambala and Jullundur Divisions and to the Amritsar district are supported as much by the population basis as by every other factor of any importance. In regard to the district of Gurdaspur the facts stated disclose that

the eastern part is entitled to that district even if the matter were considered solely on the basis of the population of the district. However numerous other factors have been shown to exist in the case of that district which clearly require the inclusion of that district in the eastern part of the province. The Lahore district has a small Muslims majority, much smaller than the one disclosed by the Census figures of 1941. However there exist a large number of considerations which clearly fall within the sphere of other factors mentioned in the terms of reference and which entitle the eastern part to claim that district notwithstanding the small Muslim majority. In the case of the city of Lahore, the true position as to population reveals an equality of the Muslims and the non-Muslims. From the facts set out in reference to the city of Lahore, it is abundantly established that the present city of Lahore in all its aspects economic, cultural and educational, is the creation almost entirely of non-Muslims who have for about 150 years laboured in every way towards its growth and development. No factors stronger than those which have been mentioned can exist for the inclusion of this city within the boundaries of the eastern part of the province.

The colonies are special feature of the Punjab and from a class by themselves because they have been the single largest source of the prosperity of the province and are its most valuable economic asset. The official records referred to demonstrate beyond doubt the great part played by the non-Muslims in their development and the preponderatingly large economic interests of the non-Muslims in the colony areas. Substantial tracts in the colony areas having a non-muslim majority. The facts in regard to the growth of the colonies and their present economic structure in relation to the non-Muslims, are factors of overriding importance, strong enough to out-weigh considerations arising by reason of there being a majority of Muslims in some parts of the colony areas. The districts of Sheikhupura, Gujranwala and Sialkot, though each of them contains a Muslims majority should, by reason of the very cogent considerations already mentioned, be allotted the eastern part of the province.

It is appropriate that attention should finally be drawn to a most important consideration governing the demarcation of the boundary. This consideration is the preservation of the solidarity of the Sikhs, a consideration which has been referred to on numerous occasions in documents of State by persons in high authority. As has been pointed out, modern Punjab owes its rise, growth and integrity as a province, in no small measure, to the valiant Sikh community. This small, but brave people have a religious history of their own and their holy shrines, spread over the central parts of the Punjab, mark their rise and growth. It is but just that every effort should be made in demarcating the boundary to preserve the solidarity of the Sikhs. This solidarity can be preserved in a great measure by demarcating the boundary of the eastern part of the province along the Chenab river.

M.C. Setalved

18.7.47

Tek Chand

Narotam Singh

(Counsel for the Indian National Congress)

The Sikh Memorandum to the Punjab Boundary Commission

*From Personal Collection of the Editor **

1. The Announcement of the 3rd of June, 1947, where-under this Boundary Commission has been set up has a history which dates back to the Resolution of the Muslim League passed on the 23rd of March, 1940. It was on that date that the Muslim League outlined its objective of Pakistan in the North-West and East of India. The Resolution passed by the Muslim League *inter alia* said:--

“That is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims, unless it is designed on the following basic principles, namely that geographically contiguous units are demarcated into regions, which should be so constituted, with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India should be grouped to constitute ‘Independent States’ in which the constituent units shall be autonomous and sovereign.”

2. The 28th session of the All India Muslim league met at Madras on the 15th day of April, 1941, and in that Session the objective of the Muslim League was redefined by amending Clause (a) of the Articles of the Creed of the League Constitution to read as under:-

“The establishment of completely Independent States formed by demarcating geographically contiguous units into regions which shall be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India shall be grouped together to constitute ‘Independent States’ as Muslim free national homelands in which the constituent units shall be autonomous and sovereign.”

3. This demand of the Muslim league was carefully examined by the Cabinet Mission, and was rejected, *inter alia*, on the ground that every argument that can be used in favour of Pakistan can equally be used in favour of the exclusion of non-Muslim areas from Pakistan. The Cabinet Mission was also of opinion that the division of the Punjab, on population basis, would split the Sikhs on both sides of the boundary, and that such a split would obviously be detrimental to the Sikhs.

4. The Constituent Assembly for India was set up under the Plan of the Cabinet Mission. The Muslim League refused to participate in the proceedings of the Constituent

* This was presented to me by late Justice Harnam Singh.

Assembly, and, as a consequence, His Majesty's Government issued a Supplementary Statement on the 6th day of December, 1946. The operative portion of this statement declared: "Should a constitution come to be framed by a Constituent Assembly in which a large section of Indian population had not been represented, His Majesty's Government could not of course contemplate - forcing such a constitution upon any unwilling parts of the country." The Muslim League continued its non-participation in the proceedings of the Constituent Assembly with the result that the Announcement of the 3rd of June, 1947, has come to replace the original Plan of the Cabinet Mission.

Terms of Reference

5. As contemplated in Paragraph 9 of the Announcement of 3rd of June, 1947, this Boundary Commission has been setup up with instructions to "demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

6. To give an exhaustive account of factors which may be included in the phrase 'other factors' referred to in the announcement of His Majesty's Government dated the 3rd of June, 1947, may not be possible. Whenever, however, the question of a boundary line between two states has arisen in the recent past in Europe or other countries, race, religion, language, history, economic considerations, geographical contiguity, influence of national prejudice and the needs of national defence have been taken to be some of the factors that conspire to indicate the best frontiers of any state. It will not be out of place to refer in this connection to the terms of reference of Orissa Boundary Commission. The Commissioners, in their Report at page 2 of Volume I, observe that they "agree with the Statutory Commission that the question of boundaries cannot be settled by any single test. Language race, the attitude of the people, geographical position, economic interests and administrative convenience are all relevant factors, and in framing the proposals we have taken account of all of them."

The Punjab

7. Originally, the Punjab or the "Land of the Five Rivers" is the country enclosed and watered by the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej, but the Province as now constituted includes also the table-land of Sirhind, between the Sutlej and the Jamna to the south of the former river, the Sind Sagar Doab or wedge of country between the Jhelum and the Indus and West of the latter river, and the two tracts which form Dera Ghazi Khan and Isa Khel sub-district of Mianwali District, The British Punjab has an area of 99,089 square miles, and its population as recorded in 1941 was 28,418,819.

8. The Isa Khel sub-district of the Mianwali District, Dera Ghazi Khan District and the Baloch Trans-frontier Tract are overwhelmingly Muslim. This area lies across the Indus River and is more properly a part of the Frontier Province. The area of Isa Khel sub-district of the Mianwali District, Dera Ghazi Khan District and the Baloch Trans-frontier Tract is 8,728 square miles with a total population of 699,466. Out of this population 625,304 persons profess the Muslim faith.

9. The Punjab proper extended to the banks of the Jhelum, excluding Jhang and Multan districts and the trans-Jhelum area. The tract comprising the present Jhang and Multan districts and the trans-Jhelum area, were added by conquest by Maharaja Ranjit Singh and retained by the British as an integral part of the British Punjab for administrative convenience.

10. From the boundary of Delhi to the banks of the Jhelum river, excluding the Multan and Jhang districts, the population is divided as under:--

Muslims	... 10,761,560
Sikhs and other non-Muslims	... 11,184,866

11. From the boundary of the Delhi Province to the banks of river Chenab, excluding Multan and Jhang districts, the population is divided as under:--

Muslims	... 9,191,618
Sikhs and other non-Muslims	... 10,885,844

The Population and the Census Operations

12. The Muslims population of the Punjab at the census of 1931 was 14,929,896, of this population 4,659,957 was divided as under:*

Faqirs (or mendicants)	... 256,533
Julaha or weavers	... 612,579
Herdsmen	... 421,347
Cobblers	... 464,218
Kumhar or potters	... 423,617
Mussallis (or Chuhra and Chamar converts to Islam)	... 412,300
Carpenters	... 346,948
Oilmen	... 344,927
Bards	... 244,330
Barbers	... 196,104
Blacksmiths	... 241,972
Washermen	... 162,224
Butchers	... 127,198
Mirasis	... 243,330

* See Table XVII, Race, Tribe or Caste, *Census Report Punjab*, 1931.

This part of the Muslim population is not rooted in the soil of the Punjab and is essentially of a floating character. The floating population amongst the Hindus and Sikhs, according to the census returns, is almost nil.

13. In the British Punjab, the Muslims have been returned as under in the various census operations:-

1881	...	52.75%
1891	...	51.83%
1901	...	52.31%
1911	...	55.29%
1921	...	55.27%
1931	...	56.98%
1941	...	57.06%

In the Punjab, including the Punjab States, the Muslims have been returned as under in the various census operations:-

1881	...	47.53%
1891	...	47.59%
1901	...	49.61%
1911	...	51.07%
1921	...	51.05%
1931	...	52.40%
1941	...	53.22%

14. Between the years 1881 and 1901, the Muslims in the Punjab, including the Punjab States, were in a minority. It is only after the census enumeration of 1911 that they appear in a small numerical majority. The Superintendent of Census Operations, 1911 at page 97 of the Report gives an explanation of this rise in the Muslim percentage: "The members of the depressed classes, i.e., *Chuhra*s, *Sansis*, etc., who did not profess to belong to Islam or Christianity were returned as Hindus in the three previous censuses and similar instructions were issued in the recent census. Nevertheless a number of *Sansis*, the *Chuhra*s residing in Mohammedan villages were returned as Mohammedans." Full details are given at page 100 of the same Report. The census figures of 1911, as compared with the census figures of 1901, show that in the 1911 Census the Hindus lost 158,806 *Chuhra*s and 179,103 *Chamars*. The Mussallis in the Province numbered 57,410 in 1901, and this figure rose to 309,568 in 1911. "The abnormal rise of 252,158 i.e. about 39% in the number of Mussallis," observes the Census Superintendent, "would indicate that in some places *Chuhra*s have been returned as Mussallis at the recent census."

15. The Superintendents of Census Operations, Punjab, 1921, were Mr. Middleton, I.C.S. and Mr. S.M. Jacob, I.C.S. At page 104, Part I, of their Report they observe: "Vital statistics are known to be very unreliable." Again, at page 106 of the Report the Census Superintendents observe: "Evidence as to the unreliability of the census of the number of inhabitants per building carried out in Lahore, Amritsar, Rawalpindi and Jullunder, though of course the accuracy to be expected is much less than that of the census proper, is afforded by the statistics themselves. Thus by adding up the number of buildings with the specified number of inhabitants per building it is found that in the case of Wards 1-6 of the Lahore

City, there must be no less than 117,140 inhabitants as against 92,533 enumerated in the census. The difference of over 24,000 cannot be accounted for except by the inaccuracy of one or other of the enumerations. In the case of the Ward 3 of Rawalpindi the discrepancy is even more marked."

16. As regards the census operations of 1931, Khan Sahib Ahmed Hassan Khan, Superintendent of Census Operations, Punjab at page 79 of his Report, observes: "Under the circumstances it is not surprising that, while some people complained of omissions in enumeration, some asserted a swelling of figures of the community other than their own by means of bogus entries. . . . Another factor came into play on the present occasion and deprived the census operations of the calm atmosphere which is essential to the obtaining of correct figures. The new Constitution for India was to be framed at no distant date and value attached to the communal figures brought out by the census was greater than ever. Consequently, the atmosphere was surcharged with propaganda carried on through various agencies and attempts were made in some places by enumerators to swell the figures of their communities by means of bogus entries or to curtail the strength of rival community by scoring out persons who were actually present on the final census night. There were also some cases in which the residents of houses returned bogus names with the same motives." The non-Muslims figures of 1931 were also affected by the boycott of the census by the Congress.

17. The census figures of 1941 were notoriously affected by political motives. The census was taken in March, 1941. The Muslim League had already proclaimed the enormous importance to be attached to a numerical majority, by its Lahore Resolution of the 23rd of March, 1940. Mr. M.W.M. Yeats, C.I.E., I.C.S., Census Commissioner for India at page 9 of his Report admits: "1940-41 saw also the political influences on the census." At page 23 of his Report he states: "The increase is by no means uniform, although a greater figure than for the previous decades is practically universal. Rates are noticeably larger in the North than in the South and have two distinct peaks in the extreme West and North-West and in the East. In fact, we have in the Punjab and Eastern Bengal two swarming areas." Apparently, therefore, there are good grounds for doubting that the census figures possess the accuracy which is claimed for them.

18. The variation percentage in the total population of the Punjab during the decennial periods beginning from 1901 gives point to the observations of the Census Commissioner set out in the preceding paragraph. The variation percentages are:-

Period	Variation Percentage
1901-11	1.8
1911-21	5.6
1921-31	13.9
1931-41	20.5

Punjab, the Province of Peasant Proprietors.

19. The Punjab has been described as the province of "peasant-proprietors." With reference to the conditions prevailing in the province, the persons connected with agriculture have been divided into rent receivers and rent payers. The rent-payers or the actual cultivators form the bulk of the agricultural population. The cultivating proprietors represent more than three-fifths of this group and have been treated as rent-payers in so far as they cultivate land and, as if it were, pay rent to themselves. The real tenants who cultivate for the proprietors or other tenants with a better status and farmers of land include less than two-fifths the strength of the group. The proportional strength of cultivating proprietors, also known as peasant-proprietors, is largest in the Himalayan Division where the small holdings do not admit of large farming and the proprietors cannot live without ploughing their own fields. In the North-West Dry Area the number of tenants is very much high and that of cultivating proprietors proportionately low. This is due partly to the abundance of large landowners in the districts of the Western Punjab; and partly to the capitalist grants in the canal colonies where, in consequence of the growing prosperity, even the yeomen and present-proprietors have begun largely to employ tenants to cultivate the whole or part of their holdings. The districts of the Eastern and Central Punjab which are democratic in their tenures, show a high percentage of landowners cultivating their lands.

The statement given in Appendix 'A' to the Report of the Punjab Land Revenue Committee, 1938, shows that there are about 34 lakhs of revenue payers.

The following figures show the land, revenue demand of the province for the three years ending 1936-37:--

Year	Fixed land revenue (in lakhs) Rs.	Fluctuating land revenue (in lakhs) Rs.	Assigned land revenue (in lakhs) Rs.	Total land revenue (in lakhs) Rs.
1934-35	236	197	35	468
1935-36	236	227	36	499
1936-37	236	218	36	490

According to the report of the Committee, the average incidence of land revenue per head in the Punjab was a little over Rs.14. But this includes large owners as well as small. If we differentiate between the two, we find that roughly 24 lakhs or about 71 per cent pay RS. 10 or less and over 50 per cent pay Rs.5 or less. Appendix 'A' to the Report of the Committee is a statement showing the number of land-revenue-payers of different categories in the province. The figures are as under:-

	Total Number	Amount of land revenue paid Rs.
1. Land-revenue-payers who pay Rs.5 or less	1,759,260	3,226,440
2. Land-revenue-payers who pay more than Rs.5 but not exceeding Rs.10	659,739	4,635,329
3. Land-revenue-payers who pay more than Rs.10 but not exceeding Rs.20	491,004	6,828,331
4. Land-revenue-payers who pay more than Rs.20 but not exceeding Rs.50	342,198	10,418,610
5. Land-revenue-payers who pay more than Rs.50 but not exceeding Rs.100	98,344	6,474,132
6. Land-revenue-payers who pay more than Rs.100 but not exceeding Rs.250	41,118	5,591,775
7. Land-revenue-payers who pay more than Rs.250 but not exceeding Rs.500	6,277	2,213,270
8. Land-revenue-payers who pay more than Rs.500 but not exceeding Rs.1,000	1,825	1,253,547
9. Land-revenue-payers who pay more than Rs.1,000 but not exceeding Rs.5,000	775	1,368,562
10. Land-revenue-payers who pay more than Rs.5,000 but not exceeding Rs.10,000	23	151,406
11. Land-revenue-payers who pay more than Rs.10,000	13	228,639

Even in Lyallpur Colony the peasant-proprietor holds about 80 per cent of the land, and in the Montgomery Colony owing to large number of miscellaneous grants the percentage is 59.¹

Annexation of the Punjab

20. The Punjab was annexed to the British dominions in India on the 29th day of March 1849. Maharaja Dalip Singh was the sovereign of the Punjab till that date when the Proclamation of the Governor-General, announcing the annexation of the Punjab was made

at Lahore. Between the 16th of December, 1846, and the 29th of March, 1849, the Punjab was being administered under the Agreement of Bairowal. Article 5 of this Agreement provided for the constitution of a Council of Regency and further laid down that "no change shall be made in the Council of Regency without the consent of the British Resident acting under the orders of the Governor-General." Article 6 of the Agreement provided that "the administration of the country shall be conducted by the Council of Regency in such manner as may be determined on by themselves in consultation with the British Resident, who shall have full authority to direct and control the duties of every Department." The Proclamation of the 29th of March, 1849, stated that "the Sikh people and their Chiefs had, on their part, grossly and faithlessly violated the promises by which they were bound under the Agreement of Bhairawal of the 16th day of December, 1846, and for that reason the Governor-General was constrained to declare that thenceforward the Punjab was to form an integral part of British dominions in India." The original records of that period have happily been preserved. These records show that the Darbar throughout that period upto the eve of the annexation of the Punjab was under the impression "that the British troops were engaged at Multan and other places in the suppression of the rebellion of Diwan Mool Raj and others on their behalf in the performance of their duties for the preservation of the peace of the country during the minority of His Highness Maharaja Dalip Singh, as agreed upon by Articles 7, 8 and 11 of the Agreement of 16th December 1846." The rebellion of Diwan Mool Raj and others was not a war of the Sikh State against the British Government. The British Resident during that period was directing and controlling the Sikh State and the rebellion of Diwan Mool Raj and others was a rebellion of an outlying province against the authority of the Sikh Darbar at Lahore. At page 166, Volume II, of the famous book *British India* by Ludlow, we find: "Dalip Singh was an infant, his minority was only to end in 1854. We were his declared protectors. On our last advance into his country we had proclaimed (18th November 1848) that we came to punish insurgents and to put down all 'armed opposition to constituted authority.' We fulfilled that pledge by annexing his whole country within six months. On the 29th of March, 1859, the Kingdom of the Punjab was pensioned off; all State property confiscated to the Company, the celebrated diamond, the Koh-i-Noor, surrendered to the Queen.² In other words, we 'protected' our ward by taking his whole territory from him." Lieut. Edwardes, an Assistant to the Resident at Lahore, writing in August 1848, warned the Government of India in these words: "If the Punjab is held forfeited, that then the British Government will not have kept good faith." Even according to Major Evans Bell, the annexation of the Punjab was not 'an act of conquest,' but 'an act of misappropriation of trust.'

Historical Background of the Sikh Case

21. It will not be possible to appreciate the Sikh Case without knowing the past history of the Sikh-Muslim relations. Emperor Jehangir in his Memoirs, called the *Tuzk-i-Jehangiri*, writing about Guru Arjan, the Fifth Guru of the Sikhs, stated in 1606 A.D.:

"So many of the simple-minded Hindus, nay, many foolish Muslims too, had been fascinated by his ways and teachings. He was noised about as a religious and worldly

leader. They called him Guru, and from all directions crowds of fools would come and express great devotion to him. This busy traffic had been carried on for three or four generations. For years the thought had been presenting itself to my mind that either I should put an end to this false traffic, or he should be brought into the fold of Islam."

Emperor Jehangir further recorded: "I fully knew of his heresies, and I ordered that he should be brought into my presence that his houses and children be made over to Murtza Khan, that his property be confiscated, and that he should be put to death with tortures, for State reasons." This order was fully carried out, and Guru Arjan was placed in boiling cauldrons of water, and was made to sit on red hot iron sheets, and was then drowned in the River Ravi, Dera Sahib at Lahore, one of the more sacred temples of the Sikh nation, commemorates the Martyrdom of the Guru. Emperor Jehangir was determined to exterminate the Sikhs, and he threw into the fort prison of Gwalior, the Sixth Guru of the Sikhs, Guru Hargobind, for a period of twelve years. The famous Persian traveller, Mohsin Fani, a contemporary of Guru Hargobind, in his Travel Notes, *Dabistan-i-Mazahib*, records that the Moghal Emperor "did not allow Guru Hargobind to eat salty food during his incarceration in the Gwalior prison." The Seventh and the Eighth Gurus of the Sikhs fared no better at the hands of Muslim Emperors, and Aurangzeb, the last of the Great Moghals, ordered the Ninth Guru of the Sikhs, the saintly Guru Teg Bahadur, to be beheaded at Delhi, again for "State reasons." William Irvine, in his *Later Mughals* records: "After many efforts to convert Guru Teg Bahadur to the Muhammadan faith, he was tortured and executed in Delhi in the year 1675 A.D." A contemporary historian, Muhammad Ahsan Ijad, in *Farrukh Siyyar Nameh* records: "Aurangzeb had issued an edict for Teg Bahadur's arrest, but the order was kept secret. Teg Bahadur refused to become a Muhammadan, and was executed." The headquarters of Guru Gobind Singh at Anandpur were besieged and razed to the ground by the Imperial armies, and in his struggle for self-preservation the Guru lost all his possessions and most of his followers and members of his family, including his four sons. His two baby sons fell into the hands of the enemy, and the Military Governor of Sirhind had them "tortured by bricking them alive in a wall, and then done to death with a butcher's knife." James Browns in his *History of the Sicks*, published in 1787, has observed: "This is most barbarous and outrageous of all the instances of cruelty exercised on the propagators of a new doctrine. Defenceless women and children have usually escaped even from religious fury." After the death of Aurangzeb, a period of almost half a century of ruthless persecution of the Sikhs follows in the Punjab under the direct orders of the Muslim Emperors. A Royal edict was issued in the fourth year of Emperor Bahadur Shah's reign ordering the Military Governors concerned "to put to death the followers of Nanak, wherever they were to be found." This edict was again repeated by the Emperor Farrukh Siyyar, adding that "wherever the followers of this sect were found, they should be remorselessly put to the sword." These edicts have been reproduced in the contemporary records, *Miftah-ut-Twarikh* and Malcolm's *Sketch of the Sikhs*. Sayed Muhammad Latif, in *The History of the Punjab* records: "Abdul Samed Khan, (the Military Governor of Lahore) having humiliated the Sikhs and caused the destruction of their leader Banda, now took vigorous steps to destroy their power and to extirpate the race. A Royal edict was issued to put all who professed the religion of Nanak to the sword, and a money reward was offered

for the head of every Sikh. The infuriated Muhammadans gave them no quarter, and wherever a Sikh was found, he was butchered without mercy. In order to give full effect to this Royal Mandate, Muhammadans and Hindus were strictly enjoined to clip their hair short. The Hindus were ordered to shave their heads, and any Hindu found with long beard or hair was immediately slain. The extreme measures of persecution spread terror and consternation throughout the whole Sikh nation." Again, according to Muhammad Latif, "the Governor Yahya Khan of Lahore issued a proclamation for a general massacre of all Sikhs, wherever they could be found. Death was to be the punishment of all persons who invoked the name of Guru Govind Singh, and a reward was offered for the heads of Sikhs. Thousands were put to death daily and their heads brought before the Military Governor of Lahore for reward." Again, writing about another Military Governor of Lahore, Mir Muin-ul-Mulk, alias Mir Mannu, Abdul Latif records in *The History of the Punjab*: "Firmly established in his authority, Mir, Mannu considered the best mode of chastising the Sikhs. He then stationed detachments of troops in all parts infested by the Sikhs, with stringent orders to shave their heads and beards wherever they might be found. These measures being rigorously enforced, checked the progress of Sikh proselytism, and compelled the votaries of the Guru to conceal themselves in the mountains or jungles. Mir Mannu issued strict orders to the hill Chieftains to seize the Sikhs and send them in irons to Lahore. These orders were obeyed, and hundreds of Sikhs were brought daily to Lahore and butchered at the Horse Market, the Nakhas, now known as the Shahidganj, outside the Delhi Gate, in sight of multitudes of spectators. The young Mannu became an irreconcilable foe of the Sikhs, and was determined to extirpate the nation. "It was to meet this situation that the Sikh people rose in rebellion, and after four generations of hard struggle succeeded in establishing their supremacy in the Punjab.

22. The well-known book *The Confederacy of India* was published by the late Nawab Sir Muhammad Shah Nawaz of Mamdot in 1939. The author of the book at page 187 observes: "In the past there have been very grave political differences between the Muslims and the Sikhs. They revolted against the Moghal Government and the hostilities exchanged in those times form the respective traditions of the Sikhs and the Muslims in the Punjab. Then again during the period of the Sikh Rule in the North-West, the Sikhs showed religious intolerance towards the Muslims on account of which distrust of the Sikhs was born amongst them. These sad past relations are responsible for the antagonism which they show against each other at times. . . . Past political rivalries dominate their minds and they mutually seize upon the provocation caused by *Jhatka* and cow slaughter respectively to give vent to them." The Muslim attitude always and since political power passed into their hands in the Punjab in recent times, their well planned policy, towards the Sikhs has been regulated by these historical considerations. The Muslim policy has all along been directed at breaking the moral backbone of the Sikhs. The planned and inhuman massacre of Sikh minority conclaves in the dominantly Muslim majority areas of Rawalpindi and Multan Divisions since March 1947 has been a natural and logical outcome of this policy. The Cabinet Mission had possibly a vague premonition of Rawalpindi and Multan happenings, when it frankly admitted that the division of the Punjab on a mere population basis would not afford an acceptable solution of the communal problem.

23. The reason for which partition of the country is sought is the solution of the communal problem. The Creed of the All India Muslim League since 1940 has been that democracy is not suited to India and for that reason the League has wanted the division of the country into India and Pakistan. The reason for it, according to the Muslim League, is that the Muslims constitute a separate nation and as such differ from all others inhabiting this country in culture, social life, outlook and religion; and they should, therefore, have a separate homeland in which they would be free. The inclusion of any considerable number of Sikhs in the North-Western Pakistan, particularly when they are concentrated on its Eastern Frontiers, is thus bound to interfere in and obstruct the free growth and development of the Muslims in Pakistan and defeat the very purpose for which Pakistan is sought to be created. If by reason of separate religion, and consequently separate culture, national life and outlook, a Muslim majority has a right to a separate homeland, a strong non-Muslim minority concerned on the Eastern Frontiers of Pakistan, cannot, in justice, be coerced to go into Pakistan.

Geographical Position of the Sikhs

24. Another factor relevant to the point in issue is the geographical position of the Sikhs in the Punjab. Barring stray Sikh colonies in the Ambala Division, Sikhs do not play an effective part in the life of the Ambala Division of the Punjab. The Sikh population in Ambala Division is as under:-

Rohtak	.15%
Gurgaon	.07%
Karnal	2.7%
Simla	2.67%
Hissar	6.03%
Ambala	18.46%

In the Ambala Division, the Sikhs are mainly concentrated in the Sirsa sub-district of the Hissar district and Rupar and Kharar sub-districts of the Ambala district. These three sub-districts of the Ambala Division are contiguous to the central districts of the Jullundur Division.

In the Jullundur Division, the Sikhs are only 53% in the Kangra district. In other districts, their population is distributed as under:-

Ludhiana	41.68%
Ferozepur	33.69%
Jullundur	26.50%
Hoshiarpur	16.94%

Taking Jullundur Division as a whole, the Sikhs form 24.5% of the total population of the Jullundur Division. In Lahore Division the Sikhs are distributed as under:-

Amritsar	36.13%
Gurdaspur	19.18%
Lahore	18.32%
Sheikhupura	18.85%
Sialkot	11.71%
Gujranwala	10.87%

The Sikhs form 19.98% of the total population of the Lahore Division.

The Sikhs formed 4.98% of the total population of the Rawalpindi Division, before the March Massacre, and thus in the demarcation of the two parts of the Punjab, they cannot lay claim on population basis alone to any part of the Rawalpindi Division.

In Multan Division the Sikhs are distributed as under:--

Lyallpur	18.82%
Montgomery	13.17%
Multan	4.4%
Jhang	1.49%
Muzaffargarh	.82%
Dera Ghazi Khan	.18%

The figures set out above will show that the Sikh community is concentrated in the Jullundur and Lahore Divisions and Montgomery and Lyallpur districts of the Multan Division. These areas form one contiguous tract and it is in this tract that the Sikhs have layed, and must continue to play, the most important role in the life of the province.

The Sikh Homeland

25. As mentioned above, the claim of the Muslim League to Pakistan proceeds upon the assumption that the Muslim community, being a separate nation, must have its own National Home. That is the Creed of the Muslim League as embodied in Article 2 of the Creed of the League Constitution. This claim of the Muslim League came up for consideration before the Sapru Conciliation Committee in 1945. Paragraph 176 of the *Constitutional Proposals* of the Sapru Committee states: "The Hindu claim the Punjab to be as much their homeland as of the Muslims. The Hindus have been there since the dawn of history. As for the Sikhs, if a community can lay special claim to the Punjab as its homeland, it is they. They were the last rulers of the Punjab and their most important shrines stretch from Sirhind on the one side to Panja Sahib on the other, with the Golden Temple in Amritsar in the centre of the Province. It is not only the homeland but the holy land of the Sikhs, to which they are attached by all the *intimate bonds of religion, history and tradition*. The Sikhs number a little less than six millions. About five millions are settled in the Punjab where lie all the Sikh States." The claim of the Sikhs over the Punjab as their homeland was recognized by the Cabinet Mission. Lord Wavell broadcasting the proposals of the Cabinet Mission on the 17th day of May, 1946 observed: "To another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played and can still play so important and influential a part." Mr. Robert Needham

Cust, I.C.S., Secretary to the Royal Asiatic Society, and at one time Assistant to the Political Agent, Punjab, writing in 1859 A.D. at page 24 of *Linguistic and Oriental Essays* observes: "By a mere chance, by the fancy of a great man, by a fatality of circumstances, the writer found himself after a lapse of seven years again among a people whom he loved so well and in a position to study the character of the residents and visit the great cities of the rich tract which lies between the rivers Chenab and Beas, the original Sikh Land, the cradle of the Sikh faith and the nursery of the chivalry of the followers of the Gurus." According to Robert Needham Cust the proper name by which this Land ought to be known is the *Sikh Land or the Land of Baba Nanak*. There would, therefore, be no justification for robbing the Sikhs of their ancestral homeland to provide a new National Home to the Muslim community.

The Special Position of the Sikhs in the Punjab

The special position of the Sikhs in the Province of the Punjab is another factor of considerable importance. On the 1st of June, 1946, in replying to Master Tara Singh, Lord Pethick Lawrence repudiated any intention of prejudicing the position of the Sikhs in the Punjab or the North-West Group and said: "It was inconceivable that either the Constituent Assembly or any future Government of the Punjab would overlook *their special place* in the Province." He further observed that "the estimate of the importance of the Sikhs would never depend on the number of seats in the Constituent Assembly allotted to them on the basis of their population." The Sikh case came up for discussion in the House of Commons and the House of Lords on the 18th day of July, 1946. In that debate Lord Pethick-Lawrence, the then Secretary of State for India, and Sir Stasfford Cripps, the President of the Board of Trade, stated that in the future constitution of the Punjab "*special means should be devised for giving the Sikhs a strong position in the affairs of the Punjab.*"

Economic Interests

27. The factor of economic interests has always been considered as one of the most important factors in the demarcation of boundaries. The Sikhs are mainly concentrated in the two central Divisions of the Punjab and the colony districts of Montgomery and Lyallpur. In this area the Sikhs have vital essential agricultural interests. In fact the agricultural economy of the Jullundur and Lahore Divisions of the Punjab and colony areas depends very largely upon the labour that the Sikhs have put in this area. Particularly, with regard to the colony areas, a reference may be made to "*The Punjab Peasant*" by Sir Malcolm Darling, formerly Financial Commissioner of the Punjab. At page 41 of this book he observes: "We now enter the heart of the Punjab the tract from the Jhelum in the north to a little beyond the Sutlej in the south. It contains all that is most characteristic of the Province. It is the cradle of the Sikhs and a hundred years ago was the mainstay of Ranjit Singh and his power." At page 122 of the same book the author observes: "The peasant-proprietor is the backbone of the colonies as he is of the Punjab. In the Lyallpur colony he holds about 80 per cent of the land and in Shahpur nearly as much. In the latter he was recruited mainly from the northern districts but in the former almost entirely from the central Punjab. A colony could hardly have had better material, for Ludhiana, Jullundur and

Amritsar represent the flower of the Indian agriculture. They are the home of the Jat Sikh who has been described as 'most desirable of colonists.' It would be difficult to say which of the three has produced the best type; for industry and thrift the Ludhiana Sikh is hard to beat and the Sikh from Amritsar, though he may be spend-thrift and violent at times, is unsurpassed as a cultivator. Grit, skill in farming and a fine physique are characteristics common to all and in his new environment the Jat Sikh has reached a point of development probably beyond anything else of the kind in India. In less than a generation he has made the wilderness blossom like the rose. It is as if the energy of the virgin soil of the Bar had passed into his veins and made him almost a part of the forces of nature which he has conquered." It is clear that the Jat Sikh from the central districts of the Punjab has been very largely responsible for the building up of the colony areas of Lyallpur and Montgomery in the Punjab, which form the granary of a large part of India. It may further be mentioned that the Sikhs in the central Divisions of the Punjab have agricultural interests which far exceed the agricultural interests of all other communities put together. In Lahore District they pay Rs.8,41,921 on account of the annual land revenue out of the total of Rs.14,19,455 and in Amritsar they pay Rs.11,94,574 on account of land revenue out of a total of Rs.15,77,131. The Sikh share in the annual land revenue of the Lahore Division is 46%. These figures provide a fair index of the indigenous population of the various districts.

As stated in paragraph 19 *supra*, the Eastern and Central districts of the Punjab are democratic in their tenures and show a high percentage of land-owners cultivating their lands. It is this area where the Sikhs are concentrated. Again the size of the average cultivated holding in the Central and sub-mountane districts of the Punjab is not more than five or six acres. In fact, the holdings are so small and the margin of safety so narrow in the Central and Eastern districts of the Punjab that any misfortune may plunge the zamindar into debt. The average peasant proprietor lives very near the margin of subsistence and his production is just sufficient to meet his demands when the season is favourable. All this shows that the Sikh population is alone rooted in the soil of the Lahore and Jullundur Divisions and in the colony areas whereas the Muslim population is not so rooted and a large part of it is of a "floating character."

The Sikhs & The Indian Army

28. The part that the Sikhs have played in the defence of the country is well known. The Military strength of the Sikhs is derived mainly from the Jats of Majha or those of the Central Bari Doab and Malwa. According to the author of "*The History of the Sikhs*," Professor H.R. Gupta, "The genuine Khalsa knows no occupation but that of war and agriculture." The Punjab has been described as the 'Soldiers' land, and Prof. Hari Ram Gupta at page 272 of "*The History of the Sikhs*," 1739-1768, observes: "The Sikhs had won for the Punjab the envied title of the 'Soldiers' Land' and they alone can boast of having erected a bulwark of defence against the foreign aggression, the tide of which had run its prosperous course for several hundred years before the birth of the Khalsa." With the partition of the Punjab the Eastern Punjab becomes the frontier Province of India and the Sikhs become literally the gate keepers of the Union of India. Long before the Announcement of the 3rd of June, 1947, the Sikhs had declared their irrevocable opposition to the State of Pakistan. When under the Announcement of the 3rd of June, 1947, the non-Muslim

legislators were required to record their vote for or against Pakistan the Sikh representatives *en bloc* from both parts of the Punjab recorded their vote in favour of the Constituent Assembly of India. That being so, any division of the Punjab which does not maintain the solidarity and integrity of the Sikh community in the Eastern Punjab will be highly prejudicial to the best interests of the community as well as the country.

The Split of the Sikh Community to be avoided

29. Lord Mountbatten in his broadcast speech of 3rd June 1947, observed: "It was necessary in order to ascertain the will of the people of Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted. We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh Community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented." The boundary line at Chenab with certain modifications will bring in about 95% of the Sikhs in the Eastern Punjab.

Language

30. Language has always played a forceful and determining part in the political coherence of a people and establishment of the States. Language statistics have not been tabulated in the census of 1941. Mr. M.W.M. Yeatts, C.I.E., I.C.S., Census Commissioner for India, at page 9 of his Report observes: "The other aspect was the quality of certain individual answers, notably as regards language or script. Here we were dealing with a different phenomena, for the answer to the mother tongue question is, broadly speaking, entirely within the citizens' power of control. To prove a false answer in a court would be a matter of great difficulty. Moreover, sentimental attachment to Urdu or Hindi, as the case may be, might and often did lead quite worthy persons to feel that it should be their mother tongue and, therefore, to return it. Where, therefore, the Hindi-Urdu controversy entered, the census returns are worthless; and those passionate Hindus or Muslims who thought that by thus influencing the returns they could secure a valid statistical backing for their communal arguments have met the inevitable end of those who seek to corrupt the form of inquiry. The language and script questions have not been tabulated and I make now a recommendation to the Government of India that they be not tabulated even if the suspended operations are resumed. For the language statistics, therefore, we have to go back to the Census Report of 1931, compiled by Khan Ahmed Hassan Khan, Superintendent, Census Operations, Punjab and Delhi, 1931. The Census Superintendent deals with the language question in Chapter X of his Report. At page 272 of the Report he observes:-

"There is no doubt in my mind that many persons returned Urdu or Hindi as their mother tongue in place of Punjabi, and thus the figures of Hindustani have been unduly

swollen at the expense of Punjabi." Table XV, Part II, Volume 17, of the Census of India, 1931, gives the linguistic figures for the Punjab. Figures for the Jullundur Division show that Punjabi was returned as the language of 3,684,755 persons out of the total population of 4,606,466 of this Division. The population of Kangra District in Jullundur Division was 801,312 at that census, and out of this population 13,137 persons returned Punjabi as their language. The language returns for Hoshiarpur, Jullundur, Ludhiana and Ferozepur districts show that out of a total population of 3,805,134 as many as 3,671,618 persons returned Punjabi as their mother tongue at the census of 1931. Again in Lahore Division, 5,463,825 persons returned Punjabi as their mother tongue out of a total population of 5,879,075. Obviously, Punjabi is the language of Hoshiarpur, Jullundur, Ferozepur and Ludhiana districts of the Jullundur Division, and Gurdaspur, Amritsar, Lahore, Sheikhupura, Gujranwala and Sialkot districts of the Lahore Division. In Rawalpindi and Multan Divisions we find that Punjabi was returned as the language of 2,498,016 persons out of a total population of 9,017,766. The language statistics further show that the majority of the Punjabi speaking persons in these two divisions reside in Gujrat District, and colony districts of Shahpur, Montgomery, Lyallpur and Multan. According to Sir George Grierson, who has examined this question in *The Linguistic Survey of India*, the dividing line between Lehnda language and Punjabi language passes through the districts of Gujrat, Gujranwala, Sheikhupura and Montgomery. At page 610 of *The Linguistic Survey of India*, Volume IX, he observes as follows: "Commence at the northern end of the Pabbi Range in the Gujrat district, go across the district to the Gujranwala town of Ramnagar on the Chenab. Then draw a line nearly due south to the southern corner of Gujranwala, where it meets the northern corner of the district of Montgomery. Then continue the line to the southern corner of Montgomery on the Sutlej. Follow the Sutlej for a few miles and cross the northern corner of the State of Bahawalpur. Everything to the east of this line I call Punjabi, and everything to the west of it I call Lehnda." The linguistic requirements also necessitate that the Eastern Punjab must extend upto the bank of the river Chenab and include in it the whole of the Punjabi-speaking tract in the Rachna Doab of the Punjab.

The Sikh Colonists

31. As already shown the colonists of Lyallpur and Montgomery districts were mainly recruited from the Eastern Punjab, namely the districts of Ludhiana, Ambala, Jullundur and Amritsar. These colonists have their homes in their parent districts and have as well acquired land in the Lyallpur and Montgomery districts. The colonists from the Eastern districts of the Punjab have put up new villages which are named after the names of villages in the Eastern Punjab. In actual practice, these colonists spend part of the year in the colony areas and part of the year in their original homes. In the interests of efficient cultivation families are divided up, some members living in the colony area and others in their original homes. With the partition of the Punjab, in case the colony areas are not included in the Eastern Punjab, great complications including that of nationality in the same family are bound to arise. Two sons of the same father may come to belong to two different nationalities. This aspect of the question does not affect the Hindus or Muslims to any appreciable extent, as there are not colonists in the Eastern Punjab from the Western Zone. The colonists in the Lyallpur and Montgomery districts are very largely Sikh Jats of Ambala.

Jullundur and Amritsar Districts of the Punjab. Sir Malcolm Darling at page 143 of *The Punjab Peasant* writes: "Lyallpur is the daughter of the Central Punjab as Shahpur is of the North and of the West, and its influence is felt accordingly. From Amritsar alone, over 100,000 have migrated to the Bar."

Non-Muslim Population

32. The non-Muslim population of the Punjab, according to the census of 1941, is 43% of the total. The population in the Ambala and Jullundur Divisions and Amritsar District of the Lahore Division, hereinafter called the Eastern Part, is 40.6% of the total population whereas the area of this part of the Province is 35.6% and the canal irrigated area in this part is 22.1% of the total. It is obvious that any division of the Punjab on the basis of Muslim and non-Muslim majority districts in the Punjab would be unfair to the non-Muslim communities.

Economic self-sufficiency of the two parts

33. Again, the Commission has to see that the Boundary line between the two parts of the Punjab is so drawn as to leave both parts of the Punjab economically self-sufficient. The quantity of wheat produced in the Eastern part is 29% of the total production, as against 71% in Rawalpindi and Multan Divisions and Lahore, Sheikhupura, Gujranwala, Sialkot and Gurdaspur Districts of the Lahore Division, hereinafter called the Western Part. The quantity of wheat available per capita in the Eastern Part is 15.7% lbs, as against 26.3 lbs. in the Western Part. The figures of rice production show even a greater disparity. The percentage of rice production in the Eastern Part is 14.4 as against 85.6 per cent in the Western Part. The quantity of rice per capita is 1.6 lbs. and 6.5 lbs. in the two parts respectively. As regards cotton, the out-turn of American cotton in the Eastern Part is only 40 thousand bales as against 699000 bales in the Western Part. This disparity in the supplies essential to the life of the community is further accentuated by the density of population in the Eastern Part as compared with the Western Part. In the Eastern Part, the density of population is 329 persons per square mile whereas in the Western Part it is 293 persons per square mile.

34. According to the census of 1941 there are 49,718 square miles of cultivable land in the Western Part as compared with 23,857 square miles in the Eastern Part. This comes to 1.86 acres of cultivable area per capita in the Western Part as against 1.322 acres per capita in the Eastern Part. The disparity in economic resources between the two parts becomes more glaring when one remembers that almost the whole of the mineral wealth of the Punjab is to be found in the Western part as will appear from the following:-

	Western Part	Eastern Part
Rock salt	7,60,00,000 maunds	Nil
Petroleum	70,03,945 gallons	Nil
Kerosene Oil	26,51,269 gallons	Nil
Diesel Fuel Oil	18,91,741 gallons	Nil
Lubricating Oil	34,58,251 gallons	Nil
Coal	1,00,667 tons	Nil

Pressures of population on means of subsistence

35. It is clear from paragraphs 32,33 and 34 above that the pressure of population on the means of subsistence in the Eastern Part is very great as compared with that in the Western Part. The Report published by the Punjab Government on Famine Relief Operations in Hissar, Rohtak and Gurgaon districts during the period 1938-40 shows that the expenditure on famine relief amounted to Rs.3,02,22,000. This expenditure could only be met out of the financial resources of the whole Punjab. The Eastern Part can never hope to tide over such a catastrophe on the strength of its separate resources. Again the Eastern Part has to support not only its own population, but also the population of various States which flocks to it in search of food in times of famine. Of Hissar District, the Report records : "The past history of the district shows that it is certainly the area most liable to famine in the Punjab and very probably this unenviable distinction applies to it when considered in the country as a whole."

Mandi Hydro-Electric Scheme

36. The Mandi Hydro- Electric Scheme, which has its generating station of 48,000 K.W. capacity installed in the Mandi State, supplies power consumed in the districts of Kangra, Amritsar, Ferozepur, Jullundur, Ludhiana, Gurdaspur, Lahore, Sheikhpura and Lyallpur. This power is transmitted over 1,23,000 volts Extra High Tension lines from Jogindar Nagar to Lahore and from Amritsar to Jullundur and over 60,000 volts Extra High Tension Lines from Lahore to the other places mentioned above. The Extra High Tension Lines are designed to function as one unit. The total investment in the Hydro Electric Scheme aggregates to Rs. 9 crores and in order to preserve this investment and ensure this supply power to industrial and other consumers in Ludhiana, Ferozepur, Jullundur, Kangra, Amritsar, Gurdaspur, Lahore, Sheikhpura and Lyallpur districts it is essential that this E.H.T. Transmission system should be under the control of one Government. Any modification of the existing lines so that they may serve two different Governments is impracticable for want of necessary equipment and the large cost which it would involve.

Rationalization of the canal system

37. The waters of the rivers and canals of the Punjab are the most valuable asset of the province, and in the past they were used so as to bring the maximum benefit at the minimum cost to the people of the Punjab as a whole. This led to the diversion of the major

portion of these waters to the Western Part where the Government owned large areas of land which they wanted to develop and sell so as to obtain sufficient funds for the Provincial Exchequer. This policy resulted in increased irrigation of the Western Part as compared with the Eastern Part.

38. The position of the irrigation canals with reference to the Province as a whole is very clearly set out in Resolution No. 5549-Revenue dated the 14th of April 1934 of the Governor-in-Council, Punjab, which runs as under:-

“The prosperity of the Punjab is in a great measure due to the network of canals between the rivers Jhelum and Sutlej, south of the line drawn from Ferozepure to Jhelum and north of the Punjnad. The land fifty years ago lay desert except for a few wells, a strip of *Sailab* land along the rivers and one or two inundation canal systems. There was no cultivation worth the name. The inhabitants who were mainly semi-nomadic graziers lived a life not vastly different from the life of their ancestors thousands of years ago. It is no exaggeration to say that the material and moral progress of the Punjab has been financed by the profits earned by the irrigation system and that without these profits no such progress would have been possible. There are, speaking generally, no alternative sources available from which general development of the Province can be carried on in the future. . . . The construction of the canal system was financed partly out of the surpluses from the revenues of the province contributed by the general body of tax-payers and partly out of borrowed money advanced on the security of the general revenues as well as from the sale of land irrigated by the canals. The interest and amortization charges of this debt are a charge on the general revenues of the province and not on the profits of the Irrigation Department. The waters in the Punjab rivers and the crown lands irrigable by them are the property of the State, that is to say, of the whole body of citizens.”

39. An examination of this Resolution makes it clear that the income from the canals has mainly financed the Provincial exchequer of the province and enabled schemes to be undertaken for the general betterment of the people. No partition of the province can be just which does not divide this essential asset and source of revenue equitably between the two parts of the Punjab.

40. The development of the Punjab irrigation works can be described in three periods:-

- First: Experimental development in proprietary areas - (1854-1880);
- Second: Experimental development in Crown Waste Colony areas - (1890-1900);
- Third: Rapid development in Colony areas - (1900-1940).

41. During the first period, the Upper Bari Doab Canal was constructed primarily to settle large bodies of “disbanded Sikh soldiers.” The project for Sirhind Canal was prepared at the instance of the Maharaja of Patiala in 1862, but as a project for irrigating the State area only was not technically sound, a scheme for the larger Sirhind Canal on a contributory

basis was sanctioned in 1866. The alignment of the Western Jumna Canal was improved and the canal renovated. All these works were, however, in the nature of a bold experiment on a large scale.

42. The Punjab Government was not prepared to examine any project for the irrigation of the Rachna Doab, for the Upper Bari Doab Canal was not a success and the Western Jumna Canal was still suffering from bad alignment. A project for the Irrigation of Rechna Doab was sanctioned in 1892 after the famine of 1884. The colonists for this Canal were taken from the Eastern Punjab as stated above and they had a hard time in the earlier years as there was no railway in the colony and the country was desolate. The namads who were the original inhabitants showed little sympathy to the immigrants. With remarkable courage the settlers, the majority of whom were Sikhs, colonized the area and thus the project became a success. With the success of the irrigation scheme in the Rechna Doab, the Punjab Government conserved all its activities from the year 1900 onwards on the development of such canals as would irrigate the crown waste areas only, with the result that irrigation of the old proprietary areas in the East Punjab was neglected. The cultivable area in the canal irrigated districts of the Eastern Part is as under:-

EASTERN PART

Name of District	Cultivable area in million acres	Names of canals irrigating these districts	Area irrigated per year in million acres (1938-39)
Rohtak	1.33		
Karnal	1.75	Western Jumna	.88
Ambala	.88		
Hissar	3.17	Sirhind	1.32
Ferozepur	2.43		
Ludhiana	.81	Upper Bari Doab	.40
Amritsar	.87		
Total	<u>11.24</u>	Total	<u>2.6</u>

43. The above figures show that in the seven canals irrigated districts of the Eastern Part the total cultivable area is 11.24 million acres, and out of this area 2.6 million acres is irrigated per year by the waters of the Western Jumna canal, the Sirhind Canal and the Upper Bari Doab Canal. There are nine more districts namely, Gurdaspur, Lahore, Montgomery, Gujranwala, Sheikhupura, Lyallpur, Jhang, Shahpur and Gujrat in the Western Part which are irrigated by the Upper Bari Doab, Lower Bari Doab, Upper Chenab, Lower Chenab, Upper Jhelum, Lower Jhelum and Pakpattan Canals. The total cultivable area in these districts aggregates to 15.16 million acres as per detail given here-under:-

WESTERN PART

Name of District	Cultivable area in million acres
Gurdaspur	.95
Lahore	1.41
Montgomery	2.45
Gujranwala	1.28
Sheikhupura	1.26
Lyallpur	2.07
Jhang	1.95
Shahpur	2.33
Gujrat	1.45
Total	15.15

The area irrigated per year in Gurdaspur, Lahore, Montgomery, Gujranwala, Sheikhupura, Lyallpur, Jhang, Shahpur and Gujrat Districts per annum is 6.84 million acres as per details given below:--

Names of canals irrigating these districts	Area irrigated per year in million acres (1938-39)
Upper Bari Doab	.80
Lower Bari Doab	1.20
Upper Chenab	.54
Lower Chenab	2.35
Upper Jhelum	.31
Lower Jhelum	1.03
Pakpattan	.61
Total	6.84

44. The figures set out in the preceding two paragraph would show that the seven districts in the Eastern Part have a cultivable area of 11.24 million acres and out of that area 2.6 million acres are irrigated per year; whereas in the nine districts of the Western Part the total cultivable area is 15.15 million acres and out of this irrigated area is 6.84 million acres per year. It cannot be said that the canal irrigated areas in the Western Part were more favourably situated and that the waters of the rivers would not be delivered in the Eastern Part. The Bist Doab has a prior claim to the waters of the river Beas according to Riparian Rights. The waters of this river are, however, allowed to flow down for being utilized in the Nili Bar Colony and in the Bahawalpur State to the detriment of the Bist Doab, which is going to ruins on account of drought.

45. The question of the equitable distribution of perennial waters which constitute

the natural asset of the country may be examined from another point of view. The figures given hereunder show the average discharge in the rivers of the Punjab:-

Jumna above Tajewala	4,392	of this only 2/3 goes to Punjab
	Cusecs	which equals 2,928 cusecs.
Sutlej above Rupar	4,311	Of this 1/3rd goes to Phulkian
	Cusecs	States. Balance in the Punjab
		equals, 2,874 cusecs.
Beas above Dera Gopipur	3,197	Cusecs
Ravi above Madhopur	2,251	Cusecs
Chenab above Marala	6,901	Cusecs
Jhelum above Mangla	7,856	Cusecs
Indus above Kalabagh	28,215	Cusecs
Total	54,222	Cusecs

46. The claims of Western Punjab and Sind could be satisfied with the waters of river Indus only and the balance must fall to the share of the Eastern Punjab. The waters of rivers Jumna, Sutlej, Beas, Ravi and Chenab discharge 18,151 Cusecs only, which is one-third of the perennial supply. As stated above, the non-Muslim population is 43% of the total, whereas the total discharge of the waters of rivers Jumna, Sutlej, Beas, Ravi and Chenab is one-third of the total perennial supply of water in the Punjab. Looked at, therefore, from the point of view of rationalization of the canal system or an equitable distribution of perennial waters in the rivers of the country, the boundary of the Eastern Punjab must run along the banks of the river Chenab.

47. With regard to Crown lands, unclassified forests and waste lands, the position is that the Eastern Part has 26,442 acres of waste lands as against 364,164 acres in the Western Part. Again Eastern Part has 485,862 acres of unclassified forests, as against 1,144,000 acre of unclassified forests in the Western Part. Out of the Nazul lands 6,021 acres fall in the Eastern Part whereas 12,086 acres of Nazul lands fall in the Western Part. The demarcation of the boundary line is to be such as to ensure an equitable distribution of crown lands unclassified forests and waste lands between the two parts of the Punjab and this can not be done except by including in the Eastern Punjab a substantial portion of the temporarily leased unallotted land in the colony areas.

Self-sufficiency of means of communication

48. Another important factor in the demarcation of the two parts of the Punjab under the Announcement of the 3rd of June, 1947, is that there must be self-sufficiency of the Railway system and other means of communication in the two parts of the Punjab. The main considerations in this behalf are as follows:-

- (i) The fewer the points at which the Railway system is cut on the frontier, the better it is from the administrative point of view, because the larger the number of points at which the Railway route is cut on the frontier the greater would be the chances of smuggling and emigration and immigration otherwise than in accordance with the law of the State.
- (ii) The total rail route in the two parts of the Province must be commensurate with the population and other requirements of the two parts. We find that the Eastern Part has 1,862 miles out of a total route mileage of 6,891 on the North-Western Railway. The traffic density in the Eastern Part is much more than in the Western Part. The percentages are as follows:-

Item	Western Part A	Eastern Part B	Percentage of A & B	
1. Goods wagons census	22,000	13,800	61.7	38.3
2. Passenger Train/Miles	2,700	1,396	65.4	38.6

49. Again, an equitable distribution of Rolling Stocks, namely, 1,198 locomotives, 36,000 wagons and 3,634 carriages, is also a matter which must be kept in view. The portion of the stock which falls to the share of the Eastern Punjab would require facilities for repairs and maintenance. This facility is at present provided by the Moghalpura Workshops at Lahore and it is essential that those facilities should continue to be available to the Eastern Railway. There is no other workshop on the North-Western Railway available in the Eastern Part. The nearest railway workshops on other railways are situated at Lucknow and Jhansi. The Western Part, however, has workshop facilities at Karachi, Sukkur and Rawalpindi. The workshops at these places can be rehabilitated in a short time by transfer of machinery from Moghalpura Workshops and be so equipped as to deal with the full requirements of the Western Punjab.

50. The Punjab has a well-developed system of road communications which has been developed at considerable cost to the revenues of the province as a whole. These roads to-day consist of 4,426 miles of Class I and 9,235 miles of Class II roads, metalled and unmetalled. In Eastern Part are situated, 1,850 miles of Class I and 3462 miles of class II roads as against 2567 miles of class I and 5,773 miles of Class II roads, situated in the

Western Part. For a proper development of the two parts of the Punjab, the division of the road system must be on an equitable basis.

The Sikh Claim

51. An attempt has been made in the preceding paragraphs to set out some of the important considerations that must govern the demarcation of the two parts of the Punjab. In the House of Commons debate on the 15th of July, 1947, Mr. Richard Butler stressed the imperative necessity of so defining the boundary "that the maximum portion of the Sikhs should be included within one conglomerate whole." Mr. Arthur Henderson speaking on the same occasion is reported to have said that amongst 'other factors' the Boundary Commission ought to take into account the location of the Sikh religious shrines. The Sikhs claim the tracts mentioned below for the Eastern Punjab:-

- (i) Ambala Division;
- (ii) Jullundur Division;
- (iii) Lahore Division;
- (iv) Lyallpur Division;
- (v) Montgomery District and Khanewal, Vihari and Mailsi sub-districts of Multan Division.

Problem of Migration

52. For the inclusion of the Sikhs in one "conglomerate whole and "the inclusion of the Sikh shrines within the Eastern Punjab the Boundary Commission has to bear in mind that sooner or later exchange of population and property will have to take place. Mr. M.A. Jinnah in a Press statement, published on the 1st of May, 1947, stated that "sooner or later exchange of population will have to take place and the Constituent Assemblies of Pakistan and Hindustan will have to take up this matter."

Ambala and Jullundur Divisions

53. The Muslims have no just claim to any part of the Ambala and the Jullundur Divisions of the Punjab. In the Ambala Division, the Muslim population is 28.07% and in the Jullundur Division the Muslims form 34.54% of the population. According to land revenue figures compiled by the Punjab government in 1931, the Muslims pay Rs. 15,94,082 out of Rs. 68,41,971 on account of annual land revenue in the Ambala Division, and Rs. 21,80,806 out of Rs. 74,687,695 on account of annual land revenue in the Jullundur Division. As stated in paragraph 19 *supra* the agricultural land in these two Divisions is held by peasant-proprietors. The districts in the Ambala and the Jullundur Divisions are democratic in their tenures and show a high percentage of landowners cultivating their lands. The yield per capita in these two Divisions is low as compared with the yield per capita in the Western part; and consequently the pressure of population upon soil is comparatively heavier in these two Divisions than that in the Western part. Again, the cultural set-up of these two Divisions is predominantly non-Muslims. The Muslims do not form a majority

of population in any one of the eleven districts of the Ambala and the Jullundur Divisions. The small reversion tracts in some sub-districts in the Jullundur Division are inhabited by Mohammedans, the other parts of these sub-districts being predominantly non-Muslim in their population. The geographical situation of these riverian tracts, their linguistic and cultural affinities and their connection with the markets in the uplands make these riverian tracts an inseparable part of the Eastern Part.

The Lahore Division

54. The tract comprising the Lahore Division may conveniently be split up into the Bari Doab Part and the Rechna Doab Part of the Lahore Division. The Bari Doab Part of the Lahore Division comprises the districts of Gurdaspur, Amritsar and Lahore. The total area of these three districts, barring the Shakargarh sub-district of Gurdaspur District which falls in the Rechna Doab aggregates to 5,526 square miles, which is less than the area of any one of Dera Ghazi Khan, Kangra, Multan and Muzaffargarh districts. The tract is one and indivisible. The language of this tract is pure Punjabi called Majhi by Sir. G.A. Grierson, author of *The Linguistic Survey of India*. The tract is irrigated by a single canal system, the Upper Bari Doab Canal, with its headworks at Madhopur in the Gurdaspur District. It will not be out of place to mention in this connection that some portions of Gurdaspur, Amritsar and Lahore Districts, called Bet, lying on the river side, as also the walled city of Lahore, do not fall in the area irrigated by the Upper Bari Doab Canal. The Bari Doab part of the Lahore Division commanded by the Upper Bari Doab Canal is a non-Muslim majority tract. It was in the middle of the 17th century that the Moghal Emperor Shah Jehan cut a canal, the Hasli, from a point on the Ravi 110 miles north of the Punjab capital to feed the fountains in the royal pleasure-gardens at Shalimar. More than a century later Maharaja Ranjit Singh renovated the Hasli Canal to replenish the sacred tank about the Golden Temple at Amritsar. Again, after annexation of the Punjab, one of Henry Lawrence's earliest self-imposed duties was the conversion of the Hasli into a great irrigation canal if he could but intercept the Ravi under the hills and spread its waters over the Manjha, so that profits from plough and hoe would reconcile the disbanded Khalsa to the loss of the sword and the musket. His project materialized into the Upper Bari Doab Canal. The Sikh peasant-proprietor still continues to play a dominant role in the economic life of Gurdaspur, Amritsar and Lahore districts. The annual land revenue of Gurdaspur District, according to the figures of 1931, was Rs. 17,77,562 per annum. Out of this land revenue, the Mohammedans paid Rs. 5,16,193, the rest being paid by non-Muslims. The annual land revenue of Amritsar District in 1931 was Rs. 15,77,131. Out of this amount Rs. 11,94,574 was paid by the Sikhs as against Rs. 2,98,163 paid by Mohammedans and Rs. 82,308 paid by the Hindus. In Lahore District the annual land revenue aggregated to Rs. 14,19,455 in 1931 and the Sikhs paid Rs. 8,41,921 as against Rs. 4,63,448 paid by Mohammedans and Rs. 1,09,745 paid by the Hindus. These figures conclusively show that the agricultural interests of the Sikh peasant-proprietor in the three districts of Gurdaspur, Amritsar and Lahore outweigh the interests of all other communities put together. A perusal of the Settlement Reports of the three districts of Lahore, Amritsar and Gurdaspur concludes the argument on this point. Paragraph 7 of the final Settlement Report of the Lahore District by Mr. now (Sir) G.H.B. Abell, I.C.S., runs:-

"About 66,7% of the cultivated land is in the hands of Jats, the great majority of whom are Sikhs. They are commonly of very fine physique and often blessed with brains as well. They represent a magnificent supply of human material. They could be, and upto a point are, a very great asset to the District and the Punjab. . . . They are turbulent and unruly. . . . The communal majority in the District belongs to the Muslims but a great many of them are town-dwellers, menials, landless tenants and very small peasant-farmers, and the typical zamindar of the District is the Sikh Jat."

Paragraph 25 of the Settlement Report of Amritsar District, by Mr. A. Macfarquhr, records:--

"The Sikh Jat who is the backbone of the proprietary body in Amritsar and Tarn Taran Tehsils of Amritsar District is less prominent in Ajnala where in number he is only 38% of the proprietary body. But he holds more and better lands than his neighbours. For 50% of the cultivated areas is in his hands and he pays 56% of the land revenue of the sub-strict."

As regards Gurdaspur District, the Assessment Report of the Batala Tehsil would show that in every circle the Sikh Jat still predominates. He owes more than half the total cultivation, the remainder is divided between the Mohammedan Jats, Rajputs, Arains and other miscellaneous tribes. In Gurdaspur sub-district the Sikh Jat forms the backbone of the agricultural population.

The Jat tribe predominates in all circles and holds 55% of the total cultivated area, Sikhs 40% and Mohammedans 15%. The Muslims do not count very much as a community in Pathankot sub-district of Gurdaspur District.

55. The facts set out in the preceding paragraphs show that the Sikh peasant-proprietor dominates the tract commanded by the Upper Bari Doab Canal even to-day. This tract has grown and developed as a single unit along the Upper Bari Doab Canal which is the life-line of the people of this tract. This tract cannot be split up, as any such split will not only break up the integrity and entire economy of the people of this area but will also disrupt the cultural religious, historical and traditional affinities of this tract and above all defeat the very purpose for which the Upper Bari Doab Canal was constructed by the British Administrators.

56. For the Sikhs, the tract commanded by the Upper Bari Doab canal has got a very special significance. "The Sikh religion centres round the Golden Temple of Amritsar and its tank, Guru Ram, Das first settled near the tank about 1574, and obtained a grant of the site with 500 bighas of land from Akbar in 1577. The tank was called Amritsar the tank of nectar or immortality, though others derive the name from Amar Das the predecessor of Ram Das. Arjun the next Guru, built the temple and the foundation grew in religious and political importance, until on the retirement of Ahmad Shah from India, in 1762, the temple rose from the ashes in which he had left it, and Amritsar became the acknowledged capital of an independent community." The Akal Bunga at Amritsar facing the Golden Temple is the seat of spiritual authority for the Sikhs and the seven-storeyed tower known as Baba Atal,

built rather more than a century ago., commemorates the memory of a son of Guru Har Gobind, "A metalled road connects Tarn Taran with Amritsar which is 14 miles to the south. Taran Taran is the chief town in the Amritsar Manjha or upland tract, but its importance is entirely religious, and centres round the sacred tank, said to have been dug by Arjan, the Fifth Guru of the Sikhs, which is 300 yards square, with a paved walk running round it. Ranjit Singh greatly revered the temple at Taran Taran which was originally built in 1768, and overlaid it with plates of copper gilt, besides richly ornamenting it. "The District of Amritsar is dotted with temples connected with important incidents in the lives of the Sikh Gurus, Regarding Gurdaspur it is recorded at page 59 of the Imperial Gazetteer of India, Punjab Volume II, that "the chief historical importance of the District, however, lies in its connection with the rise of the Sikhs. Dera Baba Nanak on the Ravi preserves the name of the founder of Sikhism, who died in 1538 on the opposite bank. Both Guru Amar Das and Guru Har Rai were also connected with the District," Guru Nanak the First Sikh Guru, was married at Batala in the district of Gurdaspur and he spent the last 20 years of his life at Kartarpur in this District. There are other sacred shrines situated within the limits of Gurdaspur District which annually attract lakhs of Sikhs from all over the country.

In the town of Lahore, as also in the rural areas in Lahore District, there are important Gurdwaras sacred to the memory of the Sikh Gurus. Near the Lahore Fort is the famous Gurdwara known as Dera Sahib which commemorates the Martyrdom of Guru Arjan Dev. The Chomala Sahib Gurdwara inside the Bhati Gate and the Chhevin Padshahi Gurdwara at Mozang commemorate incidents in the life of the Sixth Guru. The Janam Asthan Gurdwara situated in Chune Mandi marks the place where Guru Ram Das was born and brought up, and for that reason the city of Lahore has been known from earliest times as "The Gurus' Cradle." It was on the 16th day of May, 1765, that Sirdars Lehna Singh, Gujjar Singh and Sobha Singh occupied the city of Lahore. On that occasion a deputation of Lahore grandees, headed by Hafiz Qadir Bux Mian Mohammad Ashiq, Chaudhri Rupa, Lalas Bishan Singh and Maharaj Singh, waited upon the Sirdars in the Fort and submitted:

"The city is called the Gurus' Cradle. If you look after it, you will prosper, but if you ruin and destroy it you will derive no profit and advantage." (History of the Sikhs 1739-68 by H.R. Gupta p. 228.)

The sanctity of the Gurdwara Shahid Ganj Singhania situated near railway Station. Lahore, requires no elaboration.

57. The Gurdaspur District was a non-Muslim majority district in the census of 1921. The census operations in 1931 were boycotted by the Congress and the census figures of 1941 are *prima facie* unreliable. It was in the census of 1941 that the Muslims were returned as 51.14% of the total population of the Gurdaspur District. With regard to the Gurdaspur District the question arises as to what is the real composition of the population which if a plebiscite were taken on the question of India versus Pakistan, would be entitled to express an opinion. This would obviously be the adult population of the District. Since 1901, the adult population of Muslims and non-Muslims in Gurdaspur District has been returned as follows:-

	Muslims	Non -Muslims
1901	48.2%	51.8%
1911	47.4%	52.6%
1921	48.2%	51.8%
1931	49.2%	50.8%

The age distribution was not worked out by the census authorities at the time of 1941 census. An estimate may, however, be made on the basis of age distribution at the time of 1931 census. This would be as follows:-

Muslims	272,419
Non-Muslims	277,081

This argument is reinforced by an examination of the figures relating to the voting strength of the various communities for the Provincial Legislature in the Gurdaspur District under the government of India Act, 1935. According to the published electoral rolls the total number of Muslim voters for the Punjab Legislative Assembly (including Muslim voters for the Labour Constituency) aggregates to 76,481 while the non-Muslim voters (including non-Muslims voters for the Labour Constituency) number 85,714. A perusal of the census figures of the Gurdaspur District would show that in numerous villages the non-Muslim male population runs into hundreds whereas no female is shown in the population of these villages.

Again the District of Gurdaspur is surrounded by non-Muslim majority areas on all sides, except for a stretch of 30 miles on the Sialkot border. The Total length of the boundary of the Gurdaspur District is 252 miles. All communications, metalled roads and Railways from the East Punjab and India, to the District of Kangra with a non-Muslim population of 95.53% Chamba State, Mandi and Suket States pass through this District. As already stated, the Mandi Hydro-Electric Scheme and the irrigation system of the Upper Bari Doab Canal also necessitate that the District of Gurdaspur must be placed in the Eastern Punjab. The silt control, on which depends the efficient working of the Upper Bari Doab Canal, is at Madhopur Head and the silting tanks near Gurdaspur City.

Amritsar District

58. The District of Amritsar is a non-Muslim majority district, the percentage of non-Muslims being 53.48%. The city of Amritsar is the metropolis of the Sikh faith. The ownership, community-wise, of agricultural land in the rural areas of the District has been set out heretofore. The ownership of urban immovable property is indicated by the figures of Urban Immovable Property Tax. The Muslim assesseees numbering 1,500 in Amritsar District pay Rs.71,800 per annum, whereas non-Muslim assesseees number 6,292 and pay Rs. 38,33,794. The amount paid by the non-Muslim assesseees is 84% of the total. The figures as to the payment of the Sales Tax show a still greater disparity. The Sales Tax amounting to Rs.25,590 was paid by the Muslim assesseees in 1945-46, whereas the non-Muslim assesseees paid a sum of Rs.10,30,648 in the year 1945-46. Again, the Amritsar city

constitutes the accustomed market for Ludhiana, Jullundur, Hoshiarpur, Gurdaspur, Kangra, Kulu, Lahaul, Spiti, Chamba, Mandi, Suket, Jammu, Sheikhpura, Gujranwala, Sialkot and Lahore and in part for the District of Lyallpur. It may be mentioned in this connection that whenever the question of boundary line between two states has arisen in the recent past, market facilities have interfered with the application of the racial factor and in every case where change of sovereignty of land has been involved the property rights of population have always been observed.

Lahore District

59. As regards the rural areas of Lahore District, the most important community according to Mr. (now Sir) G.E.B. Abell, Settlement Officer, "is that of Jat Sikh." Paragraph 7 of the Final Settlement Report of Lahore District, 1930-40, shows that about 66.7% of the cultivated area is in the hands of Jats, the great majority of whom are Sikhs....The communal majority in the district belongs to the Muslims but a great many of them are town-dwellers, menials, landless tenants and very small peasant farmers, and the typical zamindar of the district is the Sikh Jat." The number of peasant-proprietors in Lahore District is 1,46,522 and the cultivable area is 15,78,734 acres. The Muslim peasant-proprietors number 41,029 holding 3,78,047 acres. The number of Sikh peasant-proprietors, on the other hand, is 83,585 and they hold 10,01,488 acres. The Hindu peasant-proprietors number 21,808 holding 1,29,539 acres. The rural area of Lahore is, therefore, by every test, a part of the Eastern Punjab.

Lahore City

60. The City of Lahore consisted of the old walled town, Anarkali, Civil Lines and scattered houses here and there, along the Lower Mall. Lahore began to expand in 1914 and the house building activity in Lahore received great impetus in the years 1929-37. The new *abadis* (settlements) which came into existence since 1913 are Ramgali, Gowalmandi, Nisbett Road area, Rishi Nagar, Rup Nagar, Sant Nagar, Ram Nagar, Krishan Nagar, Janak Nagar, Qila Lachman Singh, Qasurpura and Mohammad Nagar. Most of these *abadis* are situated to the east and west of Lower Mall, skirting round it from almost Ravi Bridge to Nawankot. The other new settlements of importance are New Mozang, Islamia Park, Chauburji Gardens, Arya Nagar, Muslim Town, Garden Town, Model Town, Canal Park, Wasanpura, Dharampura, Misri Shah, Bharat Nagar, Singhpura and Ramgarh. A prominent feature of the new *abadis* around old Lahore is that their growth has been on communal lines and the most of these *abadis* are predominantly Hindu and Sikh.

61. Notwithstanding the great expansion, the area of Lahore including that of Lahore Cantonment, till the 24th of August, 1939, was only 39.28 square miles when several villages round Lahore within a radius of nine miles were included within the municipal boundaries by the Unionist Government. All these villages are purely agricultural *abadis*, unconnected with the town by road, and they are provided with no urban amenities. The extension of the limits of the Corporation area was purely arbitrary and was made only with the object of making Lahore a Muslim town. The area of Lahore which consisted only of

39,28 square miles, including an area of 13,34 square miles of Lahore Cantonment, was extended to cover 128,75 square miles.

62. For the purpose of assessing whether the city of Lahore is a Muslim or a non-Muslim majority area one has to exclude all the new areas and villages brought into the limits of Lahore in 1939. The population of this undeveloped rural area is 12.1% of the total population of Lahore, and of this population 86.8% consists of Muslims. Even according to 1941 census figures the Muslim population in the developed city of Lahore is 53.3% of the total.

63. A survey of Lahore carried out by the Punjab Government Board of Economic Inquiry gives the number of dwellings, their average monthly rent, ownership by communities, and distribution by localities. The Survey shows that the total value of all dwelling houses owned by non-Muslims within the Corporation limits amounts to 12,27,64,800 rupees, whereas the total value of dwelling houses owned by Muslims amounts to 8,20,99,200. A complete census of the shops and commercial establishments was also taken by the Board of Economic Inquiry. The percentage of shops owned by non-Muslims in the walled city comes to 63. The percentage in outer Lahore comes to 67. The total number of shops in Greater Lahore, is 5,332 of which non-Muslims own 3,501.

64. The Survey shows that out of a total number of 218 registered factories working in Greater Lahore in the year 1943-44 as many as 173 or 80% belong to non-Muslims. The total fixed capital invested in these factories amounted to a sum of Rs. 2 crores 40.27 lakhs. Of this the Muslim investment amounted only to 58.91 lakhs of rupees. Taking the figures of total capital investment, fixed plus circulating, we find that the total capital invested in the registered factories in Greater Lahore amounted to Rs.6.29 crores. The non-Muslim share in this total investment was 5.12 crores.

65. Lahore is an important banking and commercial centre and the money market in Lahore is fairly well developed. The Head Offices of as many as 26 banks belonging to non-Muslims are located in Lahore. The total number of bank offices working in Lahore at present, however, is 90. Of the banks and branches at Lahore, only three belong to Muslims.

66. There are 80 offices of Insurance Companies in Lahore, 15 of them are Head Offices of such companies. Of the Insurance Companies and their offices only two belong to Muslims.

67. Lahore is an important educational centre of the Province. The educational development has been very largely due to non-Muslim enterprise. The non-Muslim share in the promotion and development of educational institutions is stupendous. There are at present in Lahore as many as 270 educational institutions, recognised by the Education Department or affiliated to the Punjab University. Of this about 100 institutions are devoted to female education. The number of male students in these institutions is 64,902 and women students 23,477. Of the 12 Arts and Science colleges at Lahore, giving education to 10,647 students, only one is run by the Muslims and one by the Government. The other ten are run

by non-Muslims. There are 15 professional colleges imparting education to 2,620 students. Of this number, excluding three colleges run by the Government, all are run by the non-Muslims. Of the 36 High Schools, imparting education to 26,647 students, only four are run by the Muslims.

68. The total number of hospitals run on the modern allopathic lines in Lahore is 12. In addition there are four hospitals run on the indigenous methods of medicine. Not a single hospital run on modern allopathic, or on the indigenous lines, is run by the Muslims.

69. According to the census of 1941, the Muslims were reported as forming 64.5% of the total population. This was not on the basis of any census enumeration, but at the time of the final compilation of figures a rule of thumb was applied and the figures collected by enumerators were considerably cut down. To the total population of Lahore city as returned in 1931 census was added the difference between births and deaths during the decennial period under review and the population of the rural areas brought within the Corporation limits subsequent to 1931 census was added. No notice was taken of lakhs of non-Muslims who had come and settled in Lahore during the period 1931-41.

70. Subsequent to the census enumeration of 1941, the Lahore population was enumerated for the purpose of rationing in January 1945. The communal composition of the population of the Lahore Corporation area, according to Rationing enumeration, was as follows:-

	Number	Percentage
Muslims	4,90,177	53.9%
Hindus	3,09,118	34.0%
Sikhs	91,571	10.1%
Others	19,151	2.0%
	<u>9,10,017</u>	

71. According to the Survey of the Board of Economic Inquiry, Punjab, the percentage of Muslims in the Lahore Corporation area was 54.8. It is obvious, therefore, that the majority of the Muslims in Lahore city is only a bare majority and does not entitle them to lay claim to Lahore as an absolute majority area. The claim of the non-Muslims on grounds of ownership of property, payment of taxation, trade and business and contribution to the development of education and other cultural institutions in the city of Lahore by far outweighs the population factor in the case of Lahore city. The historical, cultural and linguistic affinities of Lahore go with the Eastern Punjab.

72. The civil area in the Corporation of Lahore situated on the Upper Bari Doab Canal forms an integral part of the Upper Bari Doab area and must go with it to the Eastern Punjab. The industrialized area of city depends upon the agricultural area of Lahore district both for its food supply and of raw materials. Again, the town of Lahore is served by the Mandi Hydro-Electric Scheme. The Corporation area of Lahore is, for all the reasons set out above,

a part of the Eastern Punjab.

Rechna Doab Non-Muslim Tract

73. Guru Nanak was born in 1469 A.D. in village Talwandi in the present Civil District of Sheikhupura. This village has lost its old name and is now known as Nankana Sahib in the memory of Guru Nanak. When the Sikh religion had gained prominence, there was a temple erected on the spot where Guru Nanak was born. The temple is known as *Janam Asthan*, referred to as "Holy of the Holies" of the Sikh community by Trevaskis in *The Punjab of Today*. The temple was rebuilt and enlarged by Raja Teja Singh at the time when the Sikh arms had attained the greatest power and the Sikh Commonwealth its widest expansion. In the town of Nankana Sahib are situated Gurdwaras *Janam Asthan*, *Bal Leela*, *Kiara Sahib*, *Tambu Sahib* and *Malji Sahib*, commemorating incidents connected with the life of the Founder of Sikhism. "At Nankana every place with which Nanak had any association," says Macauliffe, "is deemed sacred." In the town of Nankana Sahib there is another Gurdwara known as Gurdwara Chhevin Padshahi, sacred to the memory of Guru Hargobind. Maharaja Ranjit Singh made a rich grant of 17,654 acres of land to the Gurdwaras at Nankana Sahib. The land is under cultivation and is irrigated by canal water and electric tubewells. The estate of the Gurdwara, according to official reports, is one of the best farms in the province. The site of Nankana Sahib town is also owned by the Gurdwara *Janam Asthan*.

74. There is a magnificent Gurdwara known as *Sacha Sauda* in the Revenue Estate of Chuharkana, which celebrates one of the most important incidents in the life of Guru Nanak. The Gurdwara is situated at a distance of about 20 miles from Nankana Sahib and holds 1773 Kanals of canal irrigated land in perpetual grant.

75. The Janam Asthan Gurdwara at Nankana Sahib and Sacha Sauda Gurdwara in Ghuharkana Revenue Estate attract several lakhs of pilgrims every year from all parts of India. The Janam Asthan Gurdwara at Nankana Sahib is to the Sikhs as Mecca is to the Muslims.

76. The total population of Nankana Sahib is 12,981 of whom 10,081 are non-Muslims and 2,900 Muslims. Out of the non-Muslims population of Nankana Sahib 5,427 are Sikhs. The population of Nankana Sahib Estate is 6,603. Of this population 4,451 are Sikhs, 1,679 Muslims and 473 Hindus and others. The Ajaniawala, Khanqah Dogran, Chhina, Mangat and Marh Balochan zails of Sheikhupura sub-district, adjoin the Hafizabad sub-district of Gujranwala District. These five zails of Sheikhupura sub-District are predominantly Muslim in population. Excluding these zails from consideration, the remaining part of Sheikhupura sub-district together with the Nankana Sahib Estate is a non-Muslim majority area in population, and the economic interests of the non-Muslims in this area are more important than the economic interests of the Muslim community. It may be mentioned here that the land revenue figures of Sheikhupura Sub-District as compiled in 1931 are:-

Sikhs	7,39,588
Muslims	4,83,241
Hindus	91,725
Others	13,299

The economic interests of the Muslims in the Sheikhpura Sub-District are mainly confined to Ajaniawala, Chhina, Mangat, Marh Balochan and Khanqah Dogran zails. Appendix A annexed to this memorandum sets out the position of the communities in this tract of Sheikhpura District.

77. On the basis of historical and religious consideration, as also on the basis of economic interests, this part of the Sheikhpura District must be included in the Eastern Punjab. Appendix B annexed to this Memorandum sets out information regarding zails Rodu Karu, Lyallpur, Niwan, Narwala, Sar Shamir. Thikriwala, Giddarwala, Dijkot, Khannuwana and a part of Uqbana in Police Station Sardar of Lyallpur sub-district, Zails Badowali, Hattarwali, Khurrianwala, Jaranwala, Pauliani, Jasuana, Awagat, Satiana, and Buchiana of Jaranwala sub-district, zails Samundri, Rasiana and Tarkhani of Samundri sub-district and zails Pacca Anna, Gojra, Yakkar, Janiwala, Toba Tek Singh and Dabanwala of Toba Tek Singh sub-district. These zails comprise 501 villages with a total population of 6,17,979. Of this population 4,84,464 are non-Muslims and 2,33,555 Muslims. The Sikhs in this tract number 2,31,496. the total allotted area in this tract aggregates to 7,07,109 acres, and of this area 4,77,887 acres is held by the Sikhs, 1,98,020 acres by the Muslims and 31,202 acres held by others. This tract is contiguous to the tract of Sheikhpura district mentioned in the preceding paragraph.

78. Contiguous to the tract of Sheikhpura district described in paragraph 76 *supra* is the Gujranwala sub-district of Gujranwala district. In this sub-district of Gujranwala District, the annual land revenue figures, community-wise, are as under:-

Non-Muslims	Rs. 5,00,505
Muslims	Rs. 2,75,659

The Sikhs alone in the sub-district of Gujranwala pay Rs. 3,05,357 on account of annual land revenue. Adjoining to Sheikhpura sub-district are three zails of Gujranwala sub-district namely, karial, Naushera Virkaan and Majhu Chak wherein the non-Muslims form a majority of the population. There are villages Babar, Rokhe, Dhundianwala, Qila Mool Singh, Jagowala Nau, Jagowala Kuhna, Nirharke, Manjwala and Fateke of Thabal zail, and villages Baddoratta, Mohar, Pagala, Melo and Goraya of Mangoke zail, which also adjoin this tract and wherein the non-Muslims also form a majority of the population. On the population basis alone, this part of Gujranwala sub-district must form part of the Eastern Punjab. Appendix Annexed to this Memorandum sets out the position of the Sikhs in the Gujranwala sub-district.

79. As stated above 90% of the colonists who came to colonize this tract in the Sheikhpura and Lyallpur districts hailed from Ambala, Ludhiana, Jullundur, Hoshiarpur,

Amritsar, Gurdaspur and Ferozepur districts. The towns of Jaranwala, Lyallpur, Gojra, Samundri and Toba Tek Singh are situated in this tract. There is an overwhelming non-Muslim population in these towns and the market is controlled by non-Muslims.

80. The Sikhs played a major part in the development of the rural area of this part and the urban area was built up mainly by the enterprise of the Hindus. It would be correct to say that almost the entire trade, commerce and industry of the Lyallpur district and the portion of the Sheikhupura sub-district is in the hands of non-Muslims. In Lyallpur district, in the year 1945-46 the non-Muslims paid Urban Immovable Property Tax in the amount of Rs. 1,40,300 whereas the Muslims paid Rs. 22,900. The amount of Sales-Tax paid by the non-Muslims in 1945-46 was Rs. 3,08,000 as compared to Rs. 17,000 paid by the Muslims. The Income Tax paid by the non-Muslims amounted to Rs. 59,50,000 as compared to Rs. 5,00,000 paid by the Muslims. Of the total number of 72 registered factories in Lyallpur district, 57, factories are run by non-Muslims and only 15 by Muslims.

81. The tract mentioned above, comprising parts of Sheikhupura Gujranwala and Lyallpur districts is one contiguous tract and is popularly known as the *Shahidi Bar*. In the preceding paragraphs an account has been given of the Sikh share in the development of this tract and there is no gain saying that but for the Sikh enterprise the rural areas in this tract would not have been developed and but for the Hindu-Sikh enterprise the markets in this tract would not have flourished. The markets of Nanakana Sahib, Sheikhupura, Chuharkana, Dhaban Singh, Sangla Hill, Lyallpur, Jaranwala, Samundri and Toba Tek Singh depend for their raw materials upon the rural areas described above. To this tract, neither on the basis of population nor on the basis of any other factor, have the Muslims any semblance of a claim and this tract, must, therefore, form a part of the Eastern Punjab. This would bring the holy shrine of Nankana Sahib and other sacred Gurdwaras within the limits of Eastern Punjab and give to the non-Muslims some share in the colony areas of the Punjab. The tract adjoins the district of Lahore near Balloki Head on river Ravi and the rule in such cases is well established that the interests of a small group desiring self-determination cannot be allowed to prevail the important economic needs of a larger neighbouring group, especially when the linguistic, cultural, historical and traditions affinities also lead to the same conclusion.

82. In the Rechna Doab there is another tract which is a non-Muslims tract. The part of Gurdaspur district which falls in the Rechna tract consists of Shakargarh sub-district. This trans-Ravi part of Gurdaspur district taken as a whole is a non-Muslim majority tract. The northern part of the Shakargarh sub-district is inhabited by Dogra Rajputs and is adjacent to the predominantly Hindu area of the Jammu State; the eastern and southern parts are inhabited by Sikhs; the central and a section of the western parts are inhabited by the Muslims. The Muslim parts are separated from the Muslim areas of Sialkot district by the intervening non-Muslims majority area.

83. The peasant-proprietors again play a dominant role in the economic life of Shakargarh sub-district. Out of the total area of this Sub-District the non-Muslims own 1,72,111 acres of land as against 96,968 acres owned by the Muslims. Again, the non-Muslims pay Rs. 4,45,000 on account of land revenue in this Sub-District as against a sum

of Rs. 1,62,379 paid by the Muslims. The total number of villages of Shakargarh Sub-District is 744 and of this number the non-Muslim villages are 408 as against 311 Muslim villages, the remaining 25 villages are mixed. In the list of voters prepared for the Provincial Legislative Assembly in 1947, the strength of the voters of the various communities was shown as follows:-

Hindus	19,117
Sikhs	3,432
Muslims	17,297

84. The non-Muslims of Shakargarh Sub-District own the major portion of the urban property in the Sub-District and pay a greater portion of the taxes. As against Rs. 5,485 paid as Hasiyat Tax by the non-Muslims, the Muslims pay only Rs. 2,943. The Income Tax figures for the sub-district show that no part of this amount is paid by the Muslims. Kartarpur, a place sacred to the memory of Baba Nanak is situated within the limits of Shakargarh sub-district

Narowal Sub-District

85. Adjoining the trans-Ravi tract of Gurdaspur District described in the preceding paragraphs is the Narowal Tehsil of Sialkot District. The population of Narowal Sub-District is 267,589, and out of this population of the Muslims are 146,982, the rest being non-Muslims. The cultivable area in this sub-district is Rs. 261,378 acres and annual land revenue assessed thereon amounts to 395,768 rupees. Out of the total land revenue the non-Muslims pay 216,408 rupees and Muslims 179,360 rupees. This would show that the economic interest of the non-Muslims in this sub-district of Sialkot District outweigh the economic interest of the Muslims. This argument is reinforced by the voting strength of the Muslims and the non-Muslims for the District Board election. The electoral rolls of the Narowal sub-district for the District Board Elections would show that there are 16,031 non-Muslim voters as against 12,895 Muslim voters. The income Tax figures show a greater disparity, the non-Muslims paying annually Rs. 18,523-4-0 as against Rs. 2,716-1-0 paid by the Muslims.

86. An examination of population of this sub-district would reveal that the Muslims and non-Muslims have settled in separate areas in this sub-district. The three-fourth part of the Narowal sub-district adjoining the trans-Ravi part of the Narowal sub-district adjoining the trans-Ravi part of Gurdaspur district is predominantly a non-Muslim majority area. This part of the sub-district has a population of 210,875 and out of this population the non-Muslims are 108,340. It would be interesting to note that this part of the Narowal sub-district was at one time a part of the Amritsar District which continues to be a non-Muslim majority district. The separation of this part from Amritsar district took place in 1869 for the main reason that there was no bridge at Ravi River connecting Amritsar with this part of the Narowal sub-district. A bridge has since then been constructed on the River Ravi near Dera Baba Nanak. The non-Muslim part of Narowal district described above on population basis

and other factors, namely historical, linguistic and cultural affinities, must form part of the Eastern Punjab.

Parts of Sheikhupura, Lyallpur, Gujranwala and Sialkot Districts

87. The facts set out in paragraphs 73 to 81 *supra* make out a strong case for the inclusion of certain tracts of the Rechna Doab in the Eastern Punjab on the population basis alone and it is indicated above that the other factors referred to in the Announcement made on the 3rd of June, 1947, also lead to the same conclusion. The claim of the Sikhs as to the other parts of Sheikhupura, Gujranwala, Sialkot and Lyallpur districts proceeds mainly upon the other factors referred to above. The head-works of the Upper Chenab Canal are situated in Sialkot district and head-works of the Lower Chenab Canal in Gujranwala district. It is necessary that these head-work of the Upper Chenab and Lower Chenab Canals should be under the Government controlling the area irrigated by those canals. As stated in para number 27 *supra*, the linguistic requirements necessitate that the whole of this are ought to be included in the Eastern Punjab. As recorded at page 103 of the *Imperial Gazetteer of India* (Punjab), Volume II, "the town of Gujranwala owes all its importance to the father and grandfather of Maharaja Ranjit Singh. Maharaja Ranjit Singh was himself born at Gujranwala and the town contains mausoleum of Mahan Singh, father of Maharaja Ranjit Singh and a lofty cupola converting part of the ashes of the great Maharaja himself." At Eminabad in Gujranwala District there is a famous Sikh Temple, the Rohri Sahib, which commemorates the penance of Baba Nanak when he made his bed on a heap of stones. General Hari Singh Nalwa, the empire-builder of the Sikhs, hailed from Gujranwala town. The considerations which apply to Gujranwala District apply also to the Muslim majority part of the Sialkot District. "The town of Sialkot contains the shrine of the first Sikh Guru, Baba Nanak, the scene of an annual fair largely attended by Sikhs from all parts of the District; the Darbar Baoli Sahib, a covered well, erected by a Rajput disciple of Baba Nanak, held high in religious consideration amongst the Sikhs."

88. In the matter of Sikh claim to the non-Muslim majority areas of Sheikhupura, Lyallpur, Gujranwala and Sialkot districts the facts mentioned herein below may be taken into accounts:--

- (a) The non-Muslim population of the Eastern Punjab should have access to the Chenab River, for otherwise the Kashmir timber would not be available to the Eastern Punjab.
- (b) that the Western frontier of the Eastern Punjab would be no mere inter-provincial boundary but would serve as an international frontier between two sovereign states and for that reason the boundary must be natural and strategic;
- (c) that in case the boundary of the Eastern Punjab does not extend upto the banks of the river Chenab the pressure of population on the means of subsistence in the

Eastern Punjab would be much heavier than that in the Western Punjab;

- (d) that the cultural, religious and historical affinities of the Rechna Doab are identical to the cultural, historical and religious affinities of the Eastern Punjab.
- (e) that the geographical position of the non-Muslim majority areas in the Rechna Doab does not permit the inclusion of those areas in the Western Punjab; and
- (f) that there must be an equitable division of Colony areas Crown-lands, unclassified forests and Nazul lands.

The general considerations mentioned in this paragraph do not, of course, apply to the Jhang district and the extreme western and southern parts of the Lyallpur district.

89. With regard to the district of Montgomery and the Khanewal and Mailsi sub-districts of Multan it may be mentioned that these areas are irrigated by the Lower Bari Doab Canal and the Pakpattan Canal. The Lower Bari Doab Canal was constructed as a part of the great triple project in the year 1906-13. The colonists in this area number 1,70,000 and the main districts which have supplied colonists in order of importance are Jullundur, Lyallpur, Lahore, Jhang, Amritsar, Hoshiarpur, Ferozepur and Gurdaspur. These colonists are peasant-proprietors rooted in the soil and have cultural affinities common to the people of the districts from which they have migrated. The trade, commerce and industry of Montgomery district and Khanewal and Mailsi sub-districts of Multan district are almost entirely in the hands of non-Muslims. The colonists are mere off-shoot of the parent districts, and with the partition of the Punjab the non-Muslims colonists in the Montgomery district and in the Khanewal and Mailsi sub-districts of Multan will find it difficult to maintain the relations with their districts of origin. In the tract there are large areas of Crown lands and the Eastern Punjab will be deprived of a proper share of Crown-lands if this area is not included in the Eastern Punjab. Out of the 16.5 lakh acres of Crown-lands in the colony areas, the Montgomery and Lyallpur districts have only 7 lakh acres. As stated above this area is served by the Lower Bari Doab Canal and the Pakpattan Canal and it is not possible to cut it into two parts. The district of Montgomery and sub-districts of Mailsi and Khanewal in Multan district should, therefore, be included in the Eastern Punjab.

90. A map of the Punjab, showing the proposed boundary line is annexed hereto.

As elected representatives of the Sikh community from the British Punjab, the Sikh Members of the Punjab Legislative Assembly append their signatures herein below to this Memorandum on this 18th Day of July, 1947.

Signatures to the Memorandum submitted to the
Punjab Boundary Commission

1. Swaran Singh, M.L.A.

2. Ajit Singh, M.L.A.
3. Dalip Singh, M.L.A.
4. Gurbachan Singh Bajwa, M.L.A.
5. Gurbachan Singh, M.L.A.
6. Ishar Singh Majhail, M.L.A.
7. Jagjit Singh Mann, M.L.A.
8. Jaswant Singh Dugal, M.L.A.
9. Joginder Singh Mann, M.L.A.
10. Katar Singh, M.L.A.
11. Man Singh, Jathedar, M.L.A.
12. Narinder Singh Sant, M.L.A.
13. Narotam Singh, M.L.A.
14. Piara Singh, M.L.A.
15. Prem Singh Mahant, M.L.A.
16. Rattan Singh of Lohgarh, M.L.A.
17. Sardul Singh, M.L.A.
18. Shiv Saran Singh, M.L.A.
19. Tara Singh, M.L.A.
20. Udham Singh, M.L.A.
21. Ujjal Singh, M.L.A.
22. Waryam Singh, M.L.A.
23. Sarmukh Singh, M.L.A.
24. Sujjan Singh, M.L.A.
25. Shiv Singh, M.L.A.
26. Kapur Singh, M.L.A.
27. Bachan Singh, M.L.A.
28. Inder Singh, M.L.A.
29. Kabul Singh, M.L.A.
30. Kehar Singh, M.L.A.
31. Parkash Kaur, M.L.A.
32. Rattan Singh, M.L.A.

HARNAM SINGH,
Advocate,
12, Infantry Road, Lahore.

1. Darling, *The Punjab Peasant*, page 122.
2. An office of the Imperial Court.
3. *The Punjab Peasant* by Sir Malcolm Darling.
4. *Punjab in Peace and war* by Thorburn, pages 263-264.
5. Imperial Gazetteer of India, Punjab, II page 53
6. Imperial Gazetteer of India, Punjab, II page 56

THE EXECUTIVE COUNCIL (TRANSITIONAL PROVISION) ORDER 1947

Secretariat of the Governor-General (Reforms) Notification No. C.G.O.I.
dated the 19th July, 1947. Published in the Gazette of India.

Partition Proceeding Vol. I, p.26-27

In exercise of the powers conferred by sub-section (2) of section 40 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 and by paragraph (a) of sub-section (1) of section 9 of the Indian Independence Act, 1947, the Governor-General is pleased to make the following Order, namely:-

1. This order may be cited as the Executive Council (Transitional Provisions) Order, 1947.
2. (i) In this order, "existing Department" means any Department of the Government of India in existence immediately before the commencement of the order.
(ii) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. Each existing Department shall be renamed by adding the word "India" in brackets at the end of its former designation and, each such Department shall, as from the commencement of this Order handle cases exclusively or predominantly concerning the future Dominion of India.
4. As from the commencement of this order, there shall be created a Department corresponding with each existing Department, and each new Department so created:
 - (a) shall bear the name designation as the existing Department with the addition of the word "Pakistan in brackets; and
 - (b) shall handle cases exclusively or predominantly concerning the future Dominion of Pakistan.
5. Cases of common concern to the two future Dominions shall be handled in consultation by the appropriate India Department and the appropriate Pakistan Department.
6. The India and Pakistan Departments shall respectively be in charge of such members of the Executive Council as the Governor-General may nominate in that behalf.
7. (1) For the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of India members of the Executive Council in charge of

Pakistan Departments shall not be entitled to attend the meetings of the Council; and for the purpose of dealing with any case exclusively or predominantly concerning the future Dominion of Pakistan members of the Executive Council in charge of India Department shall not be entitled to attend the meetings of the Council.

- (2) Any question as to whether a case exclusively or predominantly concerns the future Dominion of India or Pakistan or is a case of common concern to both those Dominions shall be determined for the purpose of this Order by the Governor-General, whose determination shall be final.
8. Any provision contained in the Ninth Schedule to the Government of India Act, 1935, or any rules or orders made thereunder shall, to the extent to which it is inconsistent with the provision of this Order, cease to have effect.

MOUNTBATTEN OF BURMA,
Governor-General.

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Panthic Assembly Party Resolution

Civil and Military Gazette Lahore dated July 19, 1947

The Panthic Assembly Party has given anxious consideration to the question of the Sikhs participation in the Pakistan Constituent Assembly and, in view of the massacre of Sikhs and Hindus in Rawalpindi and Multan Divisions in March 1947 recommends to the Panth to call upon the Sikh representatives in the Pakistan Constituent Assembly not to participate in the deliberation of the Assembly.

The Panthic Assembly Party takes note of the references to the Sikh position made by Mr. Arthur Henderson, Under Secretary of State for India, Mr. R.A. Butler, leading member of the Opposition and Sir Stafford Cripps in the debate on the India Independence Bill in the House of Commons and trusts that a Punjab Boundary Commission will, in the demarcation of the boundary line take into account the factors mentioned in the Parliamentary Debate.

The party declares that no demarcation of the Boundary will satisfy to Sikhs unless it is so drawn that historical gurdwaras and the landed interests of the Sikhs in property as well as in a colony lands are amassed within the Eastern Punjab.

A further provision for the transfer of population and prosperity must be made so as to give relief to the small pockets of Sikh population that may be left in the Western Punjab.
API.

**A Record of Decisions of the 14th Meeting of the Partition Committee
held in the Committee Room of the Partition Office, Punjab Civil Secretariat,
on Saturday, the 19th July, 1947 at 10.30 a.m.**

Partition Branch Records Punjab Govt. Chandigarh

Present

His Excellency the Governor
Mian Mumtaz, Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers Yaqub Shah and Sachdev.

Agenda Item No. 1 Express Delivery D.O. No.B. 2(4) 47, dated New Delhi, the 15th July, 1947.

From: The Government of India, Partition Secretariat.

To: Yakub Shah, Esquire, Member of the Steering Committee, Punjab Secretariat, Lahore.

Subject: Division of Assets and Liabilities of the Punjab University.

Please refer of your letter of the 5th July, 1947, on subject noted above, I enclose copy of a note dated the 8th July, from Mr. S.A. Lall Secretary, Legislative Department. The Steering Committee agrees with the view expressed therein.

2. The position of the Calcutta University will be considered when the question actually arises.

The Punjab University is a body corporate incorporated under section 2(3) of the Punjab University Act, 1882 and under section 3 thereof all the property, movable and immovable vests in that corporation. The seat of the corporation is unquestionably at Lahore and that is also the place of its incorporation. It is therefore, the Legislature having jurisdiction at Lahore which can determine the capacity and the dissolution of the corporation. It follows, therefore, that the Punjab University will remain subject to the Legislative jurisdiction of the legislature of Western Punjab. It is this legislature and the legislature alone which is competent to regulate or dissolve the corporation. This fact that the activities of the corporation will extend over Eastern Punjab, or for that matter, any other territory outside Western Punjab, is wholly beside the point. A corporation constituted, say, by a statute of the United States of America, may carry, on its activities in India but it would be absurd, for that reason, to maintain the United States of America statute is in force in India. A clear case in point is that of the Bombay University. That University was reconstituted under the Bombay University Act, 1928, when Sind was part of the Bombay Presidency. After the separation of Sind from the Province of Bombay, the Bombay

University continued to carry on its activities in the new Province of Sind, such as conducting examinations and affiliating institutions in Sind but the Punjab University Act, 1882 should remain in force in Eastern Punjab. It makes no difference that Eastern Punjab will be included in a State distinct from the State in which Western Punjab is included. There is no bar, legal or constitutional which precludes a corporation constituted in one State from carrying on its activities in another State. Here too the parallel of the Bombay University is useful. Section 4A of the Bombay University Act, 1928, enacts:--

“The territorial limits within which the powers conferred upon the University by this Act shall be exercised shall comprise the Bombay Presidency (excluding Aden) and such Indian States and other territories, as may, from time to time, be notified by the Provincial Government in the Official Gazette.”

As the reference to Indian States and territories other than the Bombay Presidency indicates, the powers conferred upon the University by the Bombay Act are exercised outside the territorial limits not only of the Province of Bombay but also of British India.

2. Of course, it is competent to the State within which the powers are to be exercised to forbid the foreign corporation to exercise those powers. But until that is done, there is nothing to prevent the corporation from exercising in a foreign territory any powers conferred by the State in which it is incorporated, provided always that such powers are not contrary to local laws.

3. That being the legal position, no question at all arises of dividing the assets of the Punjab University between Western Punjab and Eastern Punjab. Indeed as I have already stated, it is not at all necessary that the Punjab University Act, 1882 should be in force in Eastern Punjab.

4. The Indian University Act, 1904 being an all India Act is naturally in a different position and will remain in force in Pakistan as well as in the rest of India. But there being no University in Eastern Punjab to which the Act applies, nothing whatever will turn upon that Act.

Sd/- S.A. Lall
Legislative Department

Decision:

The opinion of Mr. Lal of the Legislative Department, Government of India was noted. It was decided that the matter should be considered on receipt of the Senate's report.

VICEROY'S MISCELANEOUS TWENTY SECOND MEETING'S MINUTES

The 22nd Miscellaneous Meeting of His Excellency the Viceroy took place at Government House, Lahore, at 11.30 a.m. on Sunday 20th July 1947.

I.O.R. M.B. 127

SECRET

20th July 1947

PRESENT

The Mountbatten of Burma, Viceroy of India
Sir Jenkins, Governor of the Punjab
Sir G.E. Abell, Private Secretary to the Viceroy.

Punjab Partition Committee

Mr. Zahid Husain
Mr. Mumtaz Mohammed Daultana
Dr. Gopi Chan Bhargava
Sardar Swaran Singh

Secretariat

Lieut. Colonel V.F. Erskine Crum, Conference Secretary to the Viceroy

The Viceroy stated that the points put forward by the Punjab Partition Committee for decision by the Central Partition Council had been most carefully considered by the members of the latter body, and discussed at a meeting at which general agreement had been reached.

The Viceroy emphasized that any moves of Government which took place before the decision of the Boundary Commission was published would have no influence on the members of that Commission.

Dr. Gopi Chan Bhargava said that it had been agreed that the Punjab Secretariat should be split into two on 5th August. On 10th August both new Secretariat would close down, and open up again on 14th August, that of West Punjab in Lahore and that of East Punjab in Simla. He undertook to ensure that, if Lahore was placed in West Punjab the Government of East Punjab would evacuate the city by midnight 14th/15th August. The last party to leave could easily go to Amritsar at the last moment.

Mr. Zahid Husain said that full arrangements would be made, and plans completed for the Government of West Punjab to move out of Lahore by 15th August if the city was included in East Punjab.

It was agreed that postings should be made on the basis of the notional partition for all districts except Lahore, Amritsar and Gurdaspur, Sir Evan Jenkins stated that, in these three districts, there were at present British Deputy Commissioners and Superintendents of Police. It was agreed that these officers should remain in control until 15th August; that each State should be entitled to nominate personnel ready to take over from them and that there would be no objection to this personnel being attached to the districts in advance of 15th August though without any executive authority. On 15th August, the British Officers, and on or before that date, the personnel of the Government not entitled by the award to assume control, would be withdrawn.

The Viceroy explained that the leaders of all parties at the centre had been most insistent that the award of the Boundary Commission should if possible be published before 15th August. It was the present aim of the Punjab Boundary Commission that their award should be published on 12th August.

The members of the Punjab Partition Committee during the course of discussion, expressed their views that this date should, if possible, be brought forward; and The Viceroy undertook to ask Sir Cyril Radcliffe if he could make a decision by 10th August.

Dr. Gopi Chan Bhargava drew attention to a statement which had been issued by members of the Muslim League in the Punjab the previous day, stating that they would not accept any decision of the Punjab Boundary Commissioner by which their demands were not fully and unreservedly met.

Mr. Mumtaz Mohammed Daultana stated that the Muslim League had throughout accepted the procedure which had been laid down. On the other hand the Sikhs had throughout said that they would not accept any award unless it gave them the whole of the Punjab up to the river Chenab. If one party went on making such statements the whole time, the general idea arose that the party which made the loudest noise must be appeased.

Sardar Swaran Singh said that, so far as the Sikhs were concerned they had made it clear that the award of the Boundary Commission would be accepted by them and that they would abide by it. He pointed out that the Viceroy had made it clear in his broadcast that the notional division had only been adopted for the purposes of ascertaining the will of the people. The Viceroy stated that every effort had been made to use the notional partition as little as possible; on the other hand, it was clearly stated in H.M.G. statement of 3rd June that "until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used."

The Viceroy said that he regretted that "wordy warfare" had started again; but as he understood it, this latest, statement of the Muslim League had been in the form of a "counterblast" to previous declarations by the Sikhs.

Sardar Swaran Singh reiterated that the Sikhs would abide by the award of the Boundary Commission. His Excellency said that he was very pleased to hear this statement.

The Viceroy explained the plan which had been made for joint military control in certain areas of the Punjab. The members of the Punjab Partition Committee expressed general agreement with this plan.

The Viceroy explained that the Central Partition Council had decided to issue a joint statement reiterating their assurances on behalf of the two future Governments to minorities and containing a warning that stern measures would be taken to put down disturbances. He suggested that the Punjab Partition Committee should issue a similar statement. Mr. Mumtaz

Mohammed Daultana said that he would be very willing to do this but he suggested that the signatures, as well as of the members of the Committee (which did not carry their great weight,) of as many as possible influential leaders should be obtained. This was generally agreed and the Viceroy undertook to send to the Governor of the Punjab for Communication to the Partition Committee a copy of the statement to be made by the Central Partition Council as soon as that was finalised.

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A Record of decisions of the 15th Meeting of the Partition Committee held in the Committee room of the Partition Office in the Secretariat, on Monday the 21st July, 1947 at 10.30 a.m.

Partition Branch Record Punjab Govt. Chandigarh.

Present

His Excellency the Governor
Mr. Zahid Hussain,
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sarder Swaran Singh
Messers Yaqub Shah and Sachdev.

Agenda Item No. 4.

In accordance with the orders of the Partition Committee, we the representatives of the Eastern and Western Punjab have again considered very carefully the proposal to give police officers and men of all ranks an immediate choice about the province which they wish to serve. We are aware that this choice has been offered to the other services right down to the bottom, but we do not think there will be any difficulty about this in the police if both governments make it quite clear immediately that every officer and men will be free to apply for a transfer to the other province if he so wishes. A different procedure can be followed in the case of the police because it is a highly disciplined force and all officers and men have already the right and opportunity of asking for transfers. In a disciplined force it is sounder to keep to the existing practice. It seems to us that the present is a particularly bad time for any officer or man to make a choice affecting his whole future career. We agree that the tendency will be for every Hindu and Sikh to remain in or go to the East. This would be against the best interest of the force itself and against the best interests of both Govts because already there are frequent demands for mixed bodies of police for certain duties—demands which could not be met from a force built up of entirely one community, a strict division by communities as like this will also tend to deprive Governments of useful information concerning the minority communities.

2. It is evident that if a choice were to be offered to all officers and men now, their wishes could not be met for a considerable time. Officers who elected to transfer from the province in which they are at present serving would be put in a very difficult position in relation to other officers and men who were remaining in the province, there would be a grave danger of victimization by putting such men in supplement and unduly arduous duties. Under the plan already recommended a man who asked for a transfer would get in a short period of time and would not, therefore, be subjected to such victimization. If officers and men are not forced into a definite choice immediately they will be able to make a better, considered decision later in the light of the circumstances then existing and the experience they have gained of the government under which they are serving.

3. We are agreed that transfers of lower subordinates, i.e., head constables and constables, should be kept to as low a figure as possible because officers of these ranks transplanted far from their own homes are not likely to be a great value to the administration. A Muslim constable resident of and at present serving in Rohtak or neighbouring district who elects to transfer to the Western Punjab may find himself in Minawali or Dera Ghazi Khan where he would be socially and officially very unhappy and very out of place. After a time he would agitate ceaselessly to get back nearer home either in his old province or in the new.

4. We repeat our agreement that the plan already proposed to allow officers and men to remain where they are and to make their own choice within a limited period say a year or 18 months is best in their interest and in the interest of both administration.

Sd/- Qurban Ali 19-1-47
J.T.M. Bennett, 19.7.47.

Decision

The proposal of Sir John Bennett and Khan Qurban Ali Khan was accepted subject to the following:--

1. There will be nothing to preclude immediate transfers which the two Inspectors-General consider necessary in the interest of efficiency and discipline; and (2) proposals should be put up by the two Inspectors-General suggesting, what action is necessary to ensure that request of public officials for transfer from one province to another are dealt with expeditiously and without let or hindrance. The intention is that such requests should be met unless for special reasons, it is not possible to do so. These proposals will be put up to the Partition Committee in due course for approval.

During His Excellency the Viceroy's discussion with the Partition Committee this morning (20th July) the following decisions were communicated to us on the reference recently made to the Partition Council:-

- (1) Both Governments should be ready to leave Lahore at short notice. The Government of Western Punjab will prepare paper plans to leave in case Lahore is allotted

to Eastern Punjab as a result of the Boundary Commission's award. The East Punjab Government should, in any case, move to Simla on a date to be determined here (His Excellency the Viceroy said that the Pakistan Government should move to Karachi on or about 7th August; I said that we had planned to close the Secretariat in Lahore on 10th August so that it might reopen in two separated halves here or elsewhere on 15th August. The Viceroy seemed to think that 10th August would be suitable date for the move of the Government of East Punjab to Simla.

- (2) Planning should continue on the basis of the "notional" boundary and postings should be made accordingly, except that in Gurdaspur, Amritsar and Lahore, the present Deputy Commissioner and Superintendents of Police should remain until the award of the Boundary Commission is announced. For each of these three districts Deputy Commissioners and Superintendents of Police should be selected by both West and East Punjab and if the representatives of West and East Punjab so desire, these officers will be posted to the three districts additional officers. As soon as the award of the Boundary Commission is announced, the appropriate team will take over the British Officers will be relieved, and the other team will be withdrawn.
2. I understood during the discussion that His Excellency the Viceroy will report to the Partition Council, and we shall, no doubt, receive a record of the proceedings. In the meantime, I suggest that we act on these two decisions which were, I think, perfectly clear, it will be necessary for Chief Secretary to inform the Deputy Commissioners of Gurdaspur, Amritsar and Lahore that they will not be relieved until perhaps 15th August and of the arrangements contemplated. He should also inform Inspector-General of Police, so that he may issue orders to the Superintendents of Police also.

E.M. Jenkins
20.7.47

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Viceroy's Report No.13

Public Record office London
CAB 127/111

CAB XC 046231

5. Radcliffe then flew on to Lahore where he had satisfactory discussions with the Punjab Boundary Commission. He says that they seemed very reasonable and were on good personal terms with one another. The four Judges had agreed among themselves that Justice Din Mohammed should be their Chairman and when Radcliffe said that he thought there ought to be a system of alternating Chairman in view of the nature of the Commission they all said that they trusted Din Mohammed and would prefer to leave things as they were. This

atmosphere of common sense and tolerance sounds promising but they have an exceedingly difficult problem to tackle especially if they are to report by August 12th.

6. The Sikhs have warned Jenkins through Giani Kartar Singh that they will have to take violent action if they are not satisfied by the Boundary Commission's award. They said openly that they proposed to sabotage communications, canal systems headworks etc. In view of this we shall have to make careful military arrangements and the Partition Council have agreed that, under the control of the Joint Defence Council, there must be a unified military Command in this area. The Commander will probably be Major General Rees, who is at present in the area commanding the 4th Indian Division and he will have one Muslim and one non-Muslim officer attached to him for liaison purposes with the forces of the two Dominions. We shall probably have to get this organisation set up in advance of the announcement of the award, and I shall discuss it with Jenkins and Messervy the Army Commander at Lahore.

7. I have prevailed on the Partition Council to let me draft a joint statement giving full assurances to minorities and former political opponents in both Dominions and declaring as a corollary that they will not tolerate any violence in either Dominion, and particularly in the areas affected by the Boundary Commission's awards. The organisation to deal with violence on the boundary will be referred to. I think a statement of this kind will be very useful.

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THE EIGHTH MEETING OF THE PARTITION COUNCIL 22ND JULY

Additional Item No.2 - Issues Connected with the Partition Work in the Punjab

Partition Proceedings Vol.IV, p. 232.
Note by the Viceroy

1. I visited Lahore on Sunday, 20th July, and met the Punjab Partition Committee.

2. I put before that Committee the views of the Partition Council on the matters discussed at their meeting on 17th July, as recorded in Case No. PC/56/6/47.*

It was further agreed that, if the decision of the Boundary Commission place Lahore in the West Punjab the remnants of the East Punjab Government should leave Lahore by Midnight 14/15th August; and that, if Lahore was placed in East Punjab, the Government of West Punjab should leave Lahore by midnight 14/15th August - and that detailed plans should be made for this contingency beforehand.

3. It was agreed that the Government of East Punjab should in any case move all unessential personnel to Simla on 10th August.

5. It was agreed that the posting of officers should continue on the basis of the notional partition except in the case of Deputy Commissioners and Superintendents of Police in the districts of Gurdaspur, Amritsar and Lahore.

6. In these three districts there happen now to be British Deputy Commissioners and Superintendents of Police. It was agreed that there should remain in control until the 15th August; but that each side should be entitled to nominate personnel ready to take over from them, and that there would be no objection to these personnel being attached to the districts in advance of the 15th August, though without any executive authority. On the 15th August the British officials, and on or before that date the personnel of the Government not entitled by the award to assume control, will be withdrawn.

7. I am glad to be able to report that all the members of the Punjab Partition Committee, and particularly the Sikh member, Sardar Swaran Singh, declared that their parties would accept and abide by the decision of the Boundary Commission.

8. I told them that the Central Partition Council had decided to issue a statement assuring minorities and warning against disturbances. I am glad to be able to report that the members of the Punjab Partition Committee agreed to issue a similar statement signed both by themselves and by as many of the influential leaders in the Province as possible.

9. The Punjab Partition Committee was very keen that the decisions of the Boundary Commission should be promulgated at the earliest possible moment; and I am going to ask Sir Cyril Radcliffe if he can produce them by 10th August.

10. The members of the Committee told me that, apart from the two matters which they referred to the Central Partition Council, they had at present no other major points of difference, and things were going well.**

* See Document No. 100.

** See Document No. 108.

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PLAN OF ACTION IN THE EVENT OF POSSIBLE CLASHES OR DISTURBANCES IN THE NEIGHBOURHOOD OF THE BOUNDARIES BETWEEN THE TWO DOMINIONS

Note by the Viceroy's Staff

Partition Proceedings Vol. IV, p. 233

With reference to decision (3) of Case No. PC/47/6/47 of the Partition Council Meeting held on Thursday, 17th July.

2. The zones in which troops would have to operate have been discussed between the Viceroy's Staff and the Commander-in-Chief, and by the Viceroy with the Governor of the Punjab, General Messervy and the Punjab Partition Committee.

3. All are agreed in recommending for the approval of the Partition Council that the following districts be included:-

Sialkot	Amritsar
Gujranwala	Gurdaspur
Sheikhupura	Hoshiarpur
Lyallpur	Jullundur
Montgomery	Ferozepur
Lahore	

4. The Punjab Partition Committee were in favour of the scheme for joint command.

5. It is further recommended that the new arrangements should come into force on 1st August.

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Sir E. Jenkins to Lord Mountbatten

I.O.R.M.B. 127

Telegram Grade 'C'

Confidential
2478-S

From: Governor of the Punjab.

To: Viceroy.

No. 150-G, dated the 23rd July 1947

Immediate

Sikh Political Conference to press usual Boundary Claims is announced to be held Nankana Sahib Shekupura district on Sunday July 27th. Poster which is general encouragement to resist unfavourable award purports to come from 22 members of Punjab Assembly actual organiser is almost certainly Giani Kartar Singh (one of 22) and intention is that large Jathas should converge on Nankana from Lyallpur and Shekupura villages, if we take repressive action Morcha will be established at Nankana. If not further mass meetings will be held with a view to disturbances later.

2. Public meetings are banned in Shekupura District and this meeting which does not come within religious exemption is illegal. I have taken following action. First Swaran

Singh is informed that meeting is illegal and will be dealt with unless stopped. He has promised to do what he can but is not one of 22 signatories of poster. Second, Special force consisting of Headquarters and one Squadron 18th Lancers and one Battalion 3rd Baluch Regiment being sent by Lahore Area to Nankana in addition to Gurkha Company already in district. Force will be under command of 23rd Bde. and will be in position morning July 25th. Third. Police and troops will make over possible effort to discourage attendance by central posts on roads and railways and by patrolling. Railway bookings to Nankana and adjacent stations will be suspended.

3. Mass demonstrations on Boundary question are most dangerous and we will do all we can to stop this one. But we must if possible avoid large-scale clash with Sikhs within precinct of Gurdwara and I am instructing officials concerned to bear (this) in mind in handling situation on spot.

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Lord Mountbatten to Earl of Listowel

T.P. Vol.XII - 224

MOST IMMEDIATE

NEW DELHI, 24 July 1947,
RECEIVED : 24 July, 3.30 p.m.

No. 2916-S. Press Note: At their meeting at 5 p.m. on Tuesday July 22nd, 1947, the members of the Partition Council (which included Sardar Baldev Singh for this item) decided to issue the attached statement. Those present were: In the Chair-His Excellency the Viceroy; for the future Government of India-the Hon'ble Sardar Vallabhbhai Patel and the Hon'ble Dr. Rajendra Prasad; for the future Government of Pakistan-Mr. Jinnah and the Hon'ble Mr. Liaquat Ali Khan; and on behalf of the Sikhs-the Hon'ble Sardar Baldev Singh.

2. Statement by the Partition Council. Begins: Now that the decision to set up two independent Dominions from the 15th August has been finally taken, the Members of the Partition Council, on behalf of the future Governments, declare that they are determined to establish peaceful conditions in which the processes of partition may be completed and the many urgent tasks of administration and economic reconstruction taken in hand.

Both the Congress and the Muslim League have given assurances of fair and equitable treatment to the minorities after the transfer of power. The two future Government-re-affirm these assurances. It is their intention to safeguard the legitimate interests of all citizens irrespective of religion, caste or sex. In the exercise of their normal civic rights all citizens will be regarded as equal and both the Governments will assure to all people within their territories the exercise of liberties such as freedom of speech, the right to form associations, the right to worship in their own way and protection of their language and culture.

Both the Governments further undertake that there shall be no discrimination against

those who, before August 15th may have been political opponents.

The guarantee of protection which both Governments give to the citizens of their respective countries implies that in no circumstances will violence be tolerated in any form in either territory. The two Governments wish to emphasise that they are united in this determination.

To safeguard the peace in the Punjab during the period of change-over to the new conditions, both Governments have together agreed on the setting up of a special military Command from the 1st August covering the civil districts of Sialkot, Gujranwala, Sheikhupura, Lyallpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepore and Ludhiana. (Ludhiana was added subsequently at the instance of representatives of Pakistan vide Document no.115.) With their concurrence Major-General T.W. Rees has been nominated as Military Commander for this purpose and Brigadier Digamber Singh Brar (India) and Colonel Ayub Khan (Pakistan) have been attached to him in an advisory capacity. After August 15th Major-General Rees will control operationally the forces of both new States in this area and will be responsible through the Supreme Commander and the Joint Defence Council to the two Governments.

The two Governments will not hesitate to set up a similar organisation in Bengal should they consider it necessary.

Both Governments have pledged themselves to accept the awards of the Boundary Commissions, whatever these may be. The Boundary Commissions are already in session; if they are to discharge their duties satisfactorily, it is essential that they should not be hampered by public speeches or writings threatening boycott or direct action, or otherwise interfering with their work. Both Governments will take appropriate steps to secure this end; and, as soon as the awards are announced, both Governments will enforce them impartially and at once. Ends.

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MINUTES OF THE NINTH MEETING OF THE PARTITION COUNCIL HELD ON THURSDAY, THE 24TH JULY, 1947 at 5. P.M.

Partition Proceedings Vol.IV p. 236.
Case No. PC/87/9/47

Inclusion of Ludhiana in the Draft Statement and the List of Districts to be Placed Under the C-in-C's Operational Control

His Excellency said that all parties concerned had agreed that Ludhiana should be included in paragraph 5 of the draft statement proposed to be issued by the Partition Council and in the list of districts to be placed under the operational control of the Commander-in-Chief. The Muslim Officer who would be attached to the Joint Commander in an advisory capacity would be Colonel Ayub Khan and not Brigadier Tiwana who had first been nominated to that post.

**Possibility of Disturbances in Punjab
65th Staff meeting held on 28.7.1947**

*IOR.MB. 130
Item No.8, V.C. P. 140*

This paper contained a note, for circulation at the Partition Council Meeting the following day, containing a paraphrased version of a report rendered by the Director of Intelligence to the effect that the Sikhs intended to start trouble on a big scale if Nankana Sahib was not included, by the award of the Boundary Commission, in East Punjab.

The Viceroy drew attention to the reports which had appeared in that morning's papers to the effect that it had been necessary to open fire on a meeting of Sikhs at Nankana Sahib the previous day. He said that he considered it doubtful whether it had been correct on the part of the Governor of the Punjab to declare this meeting illegal. Sir George Abell pointed out that a considerable number of people had been prevented from attending it as a result of this step.

Rao Bahadur Menon said that he had suggested to Sir Cyril Radcliffe the possibility that Nankana Sahib might be made a sort of Vatican. This could not be done by the Boundary Commission, but Sir Cyril Radcliffe might put forward this suggestion to the Muslim League.

HIS EXCELLENCY THE VICEROY:-

Approved V.C.P. 140 P. 46, and directed Con. Sec. to hand round copies of this paper at the Partition Council meeting the following day.

**Proceedings of the 18th meeting of the Partition Committee
held in the Committee Room of the Partition office on
Monday the 28th July, 1947 at 10.30 a.m.**

Partition Branch Records, Punjab Government, Chandigarh.

Present

**His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers Yaqub Shah and Sachdev.**

Agenda Item No. 7 Note by Mr. M.R. Sachdev

I do not agree that a Library is a single 'indivisible unit.' As pointed out by Syed Yaqub Shah himself it is never a complete unit and needs constant replenishment. The matter has already come up before the Partition Committee and a very definite decision taken. The recommendation of the Committee on services and records in regard to Libraries was as follows :-

The Committee has also considered the question of departmental libraries. The Committee is of the view that these libraries should be divided between the two new provinces on an equitable basis. The actual division will not take much time and it may not be expected to present any difficulty. It is suggested that it may be left to be carried out by mutual agreement between the existing Heads of Departments."

In their meeting held on the 7th July, this recommendation was accepted by the Board. I see no occasion for reopening the matter, but it is placed before the Partition committees as desired by Mr. Zahid Hussain.

The departmental libraries should be divided as previously decided. It is better for the two provinces to have some books than for one Province to have all the books and for the other none at all. This will be very unfair and I do not see how a new province can make a start without any reference books at all. It is, on the other hand, necessary to ensure the division in such a way that both Provinces are in a position to derive the utmost benefit from the books, can be made available to them. I agree that it would be wrong to break a series or to split up a subject. The details were left to be settled between the heads of the departments and it was hoped that division of libraries could be affected by mutual consultation and agreement so that each province had a fair share of its books on different subjects. A list could be prepared of all books and each has a complete set of its own.

Note by Syed Yaqub Shah

The Committee "C" on Services and Records suggested in the list paragraph of their report on records that departmental libraries should be divided between the two new provinces on an equitable basis. The division was to be carried out by mutual agreement between the two Heads of Departments. The Director of Industries have written to say that the directive given by the Committee "C" and approved by the Partition Committee in this matter is not quite clear. A number of other officers as well have expressed the view that a library is a single indivisible unit and splitting it up would render it useless for purpose of reference, research and education. The Chief Secretary, who acted as Chairman of the Committee, "C" on records, was consulted and has observed that the idea of the Committee was that the departmental libraries mostly included books of reference and manual which more than one copy is generally available in each department. In other words, the Committee in making its recommendations did not contemplate the distribution of books of technical nature on various subjects, and other literature of a general kind as distinguished from departmental manuals reports and references books, of which only one copy is available in the Library.

2. A Library, in fact, is never a complete unit. It needs constant replenishment if it is to fulfil its purpose. The splitting up a library will have the inevitable result of rendering the two sub-divided parts practically useless for either Province. Literature on various subjects grows with lapse of time and it is most difficult to say whether a comparatively recent books on a particular subject will be more useful than an older treatise on the same subject, and it may be necessary to have books available on all of these aspects. It will be useless to give to one unit books dealing with one aspect of a technical matter and to retain with the other books dealing with the other aspects of the same subject matter. In other words it is very difficult to say with regard to the books of a technical and general nature that a number of them can be spared by one unit for the use of the other.

3. The only types of books which can be divided are the departmental codes and manuals and departmental reports containing proceedings and recommendations of various committees set up by Government or compiled from other departmental sources. In almost every department there are bound to be available a number of copies of such types of books. It may be that more than one copy of some other books may also be available. It is only such books that can be shared with the East Punjab, I think similar action has been taken at the Centre -

4. May this note be placed before the Partition Committee for clearing the position for the guidance of Heads of Departments.

Yaqub Shah. 23.7.47

This may be included in the Agenda for Monday.

Zahid Hussain, 23.7.47

An Advance extract from the Report of Committee B

62. The committee recognises that its recommendations can have effect only in regard to libraries situated at Lahore and owned by Government and not to libraries like the Punjab University Library and the Punjab Public Library. Representatives of the West hold the view that publications of which duplicates or a number of copies are available may be divided in the ratio of 40:60 between the East and West; but other books should not be divided or moved from their present location. They would concede that there should be a financial adjustment in respect of cost of books which are not divided or moved. This point of view is based on the argument that libraries are built over a long period and come to a unit of value to the office or institution concerned so that it is impossible to spare any book without involving oneself in inefficiency. Besides the Province which is without the Library will avoid all unnecessary inconvenience if it is provided with an adequate supply of useful books of reference and it will then be in a position to build up its own libraries in accordance with its requirements. It is pointed out that the departments of the Punjab Government possess considerable libraries at Simla for use of the respective departments.

The representatives of the West are surprised to find that there is a desire to divide the libraries of Colleges like Govt. College, the Veterinary College, The King Edward Medical College, The Dental College and the Central Training College at Lahore. These

libraries are intended for use in the respective institutions and cannot be possibly spared without causing dislocation in the teaching arrangement. There is no doubt that the East Province will want to build new college for training the youth. But it will obviously be possible for the Authority to built up the necessary libraries as the College grow. In this connection it is pointed that the existing Colleges in the East Province already possess fairly large libraries.

The representatives of the Western Province agree that if the valuation of books in the libraries concerned has not been previously worked out, the Authorities concerned should be called upon to prepare the necessary lists for purposes of financial adjustment between the two new provinces according to a suitable ratio. There need to be financial adjustment regarding the books of reference to which an *ad hoc* ratio of 40:60 may be applied for division purposes. The representatives of the West would like to mention here that according to their opinion the principle of dividing the libraries was contested at Delhi in connection with the separation of the two Dominions and that the decision was to leave the libraries intact, except in the case of books of departmental reference.

Representatives of the East endorse the argument regarding the great value of libraries as repositories of knowledge. They will be starting under a grave handicap which is inherent in the circumstances of partition. In having to set up new offices, precisely because libraries are built up over long periods and especially at present when it is difficult to procure scientific and technical books they must attach the greatest importance to a suitable physical division of such according to requirements of the two new provinces. It is impossible for the Committee to decide which particular book, say, in the Irrigation Secretariat Library would be of greater value to the new East or the new West provinces. They, therefore, suggest that the principle of division according to requirements of Provinces conceded and officers on special duty representing the two provinces in various departments be charged with the task of carrying out the physical division. The question of financial adjustment is of very minor importance so far as technical and scientific books are concerned. The overriding consideration must be the need for books in each of the two new Provinces.

Indeed certain departments of the Government of East Punjab, say, like the Irrigation Department Agriculture Department, Veterinary Department, Hydro Electric Department would have their activity completely queered if they could not have access to important books on technical and scientific subjects. Much as the representatives of the East may deplore, the dispersal of libraries which have been collected as single units, the needs of the new Provinces is such that they cannot compromise on the principle of need being accepted. Indeed from the point of view of the East it is most important that this principle be recognised immediately and stated above, namely, that where technical and scientific books have been collected for a particular purpose which pertains to only one Province that Province should be immediately entitled to collect the whole set of such books for its own exclusive use.

In asserting the principle of need, the representatives of the East are not unmindful of libraries that may exist to district colleges and other institutions both on the East and the West side. In practice, those libraries will cancel each other. In regard to Government libraries at Simla, East would merely observe that they are camp libraries and for the most part consist of departmental publications and even these publications are in many cases out of date as correction slips are not properly pasted.

Committee B considers it necessary to forward for the consideration of the Partition

Committee an advance extract from their report on the question of division of Government libraries. In the view of this committee it is of the greatest importance that this question be considered and decided at a very early date so that a physical division may be carried out before offices of the new Government of the East shift from Lahore.

Sd/- S.K. Kirplani,
Chairman
Committee B on Physical Assets.

Decision

The Heads of the Departments should be asked to go ahead with actual physical division of Libraries bearing in mind the following principles:-

- (1) There should be no difficulty in actual physical division of Government publications of which usually duplicate sets were available.
- (2) All the Libraries in charge of particular departments should be considered together. It should be ascertained whether duplicate copies of books were available and where that was so, there should be no difficulty in carrying out actual physical division. For example, in the Veterinary College Library and the office of the Director of Veterinary Services, the same set of books must be readily available.
- (3) Books connected with projects which might be in the process of execution in either Eastern or Western Punjab should be capable of separation.

The two heads of departments will thereafter submit a report giving separately lists of books which have been divided and those which have not been.

The question of the actual physical transfer of office furniture and equipment, etc., was raised and it was agreed that there was no objection to actual transfer on the basis already agreed upon if the office equipments and furniture in Simla was taken into account. It was understood that the lists of office furniture and equipment lying at Simla were available with the Public Works Department.

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Statement by the Partition Council

Viceroy's Report No. 14 Appendix I
Public Record Office, London

Case 127/111

XCAO46231

To safeguard the peace in the Punjab during the period of change-over to the new conditions, both Governments have together agreed on the setting up of a special military command from the 1st August covering the civil districts of Sialkot, Gujranwala,

Sheikhupura, Lyallpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepore and Ludhiana. With their concurrence Major-General T.W. Rees has been nominated as Military Commander for this purpose and Brigadier Digambar Singh Brar (India) and Colonel Ayub Khan (Pakistan) have been attached to him in an advisory capacity. After 15th August, Major-General Rees will control operationally the forces of both new States in this area and will be responsible through the Supreme Commander and the Joint Defence Council to the two Governments.

The two Governments will not hesitate to set up a similar organisation in Bengal should they consider it necessary.

Both Governments have pledged themselves to accept the awards of the Boundary Commissions, whatever these may be. The Boundary Commissions are already in session; if they are to discharge their duties satisfactorily, it is essential that they should not be hampered by public speeches or writings threatening boycott or direct action, or otherwise interfering with their work. Both Governments will take appropriate steps to secure this end; and, as soon as the awards are announced, both Governments will enforce them impartially and at once.

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Declaration of Affected Districts as "Disturbed Areas"

Tenth Meeting of Partition Council: 29th July 1947

Item No.2

Partition Proceedings Vol.IV p. 252

The Partition Council in its meeting held on the 17th July 1947 discussed the Commander-in-Chief's note on the above subject, recommending that the Joint Defence Council should be the authority of both India and Pakistan Governments to declare any affected Districts to be disturbed areas and directed that "a paper should be prepared defining the composition, power and responsibility of the Joint Defence Council for consideration by the Partition Council." On this matter being referred to Sir George Spence, he has observed as follows:-

His Excellency the Commander-in-Chief and the Joint Defence Council are under the impression that the Central Government is now empowered to declare any area in British India to be a disturbed area and that as from the 15th August the Central Governments of India and Pakistan respectively will be empowered to make like declarations in respect of any area in the Dominion of India or the Dominion of Pakistan. This is not the case. Legislations providing for the declarations in relatable to public Order and is now and will as from 15th August continue to be in the exclusive jurisdiction of the provincial Legislatures. "Public" confirm what was my own impression, namely that the only provinces which have so legislated to date are the Punjab and the N.W.F.P. The Punjab and N.W.F.P. Acts both necessarily vest the power to declare area in the province to be a disturbed area in the Provincial

Government, and the existing and future Centres come into the picture to the extent only that Central Ordinances have been promulgated providing that where an area in either province has been declared by the Provincial Government under the Provincial Act to be a disturbed area, members of His Majesty Forces may exercise in that area certain powers exercisable in disturbed areas under the Provincial Acts by Magisterial and Public officers. As from the 15th August the present Punjab Act will have effect as an Act of West Punjab and separately an Act of East Punjab and power to declare an area in West Punjab or East Punjab, to be a disturbed area will vest in the Provincial Government of West Punjab and East Punjab respectively. In these circumstances there would seem to be no question of rendering this power exercisable in either of both Provinces by the Joint Defence Council."

2. The Steering Committee have considered the matter in the light of the above observances and recommend that - (a) The Governor of the Punjab should be asked to declare the affected districts as "Disturbed areas" and (b) the Punjab Partition Council should be asked to agree that the Governments of East and West Punjab would make a similar declaration on the 15th August in respect of portions of the affected districts falling within the respective jurisdiction of the two Governments.

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Sir E. Jenkins (Punjab) to Lord Mountbatten

I.O.R. M.B. 123.

SECRET

GOVERNMENT HOUSE, LAHORE
30 July, 1947

No. 689

Dear Lord Mountbatten,

Since my last fortnightly letter was written on 14th July, there has been no improvement in the communal situation at Lahore and little improvement at Amritsar.

3. The Sikhs decided during the fortnight to hold a big meeting at Nankana Sahib in the Sheikhupura district on 27th July to air their views about the boundary between West and East Punjab. As this was frankly a political gathering. I decided that the general prohibition on meetings (other than religious meetings) in the Sheikhupura district must be enforced.

The sale of railway ticket to a number of stations, including Nankana Sahib, was suspended. Nankana Sahib is a country town with a fairly large Sikh population, and a good many Sikhs had collected in the Gurdwara some days before 27th July. There was therefore a fairly large gathering on that date- as always, estimates of its size vary, but the best opinion

seems to be that from 1500 to 2000 outsiders attended. Speeches are alleged to have been made inside the Gurdwara, and for some time on 27th it seemed that we were in for a civil disobedience movement. The Sikhs in Amritsar had already begun to defy the ban on processions as a protest against the banning of the Nankana Sahib meeting, and the leaders present at Nankana Sahib were obviously upset. Late in the evening they inform the authorities that they would disperse quietly, and the Deputy Commissioner said that in that case he would not interfere with access to the Gurdwara from 28th morning. During the night of 27/28th July Giani Kartar Singh turned up at Nankana Sahib, apparently in disguise, and repudiated the local understanding. On hearing of this I sent the Commissioner and the Deputy Inspector General of Police to Nankana Sahib on 28th morning in expectation of serious trouble. Fortunately the Sikhs present at the Gurdwara dispersed peacefully during the day, and it was possible yesterday to withdraw both cordons of Police and troops. On the whole I think we achieved our objective, which was to prevent a gigantic rural gathering and to make it clear to the Sikhs that mass demonstrations about the boundary are not considered a good thing. The Sikhs intend to organise an all-Punjab hartal for 5th August. They are very puzzled and unhappy, and do not quite know what to do.

4. Partition work is going very slowly indeed, and I am now clear that a considerable muddle on 15th August cannot be avoided. Generally there is no enthusiasm for partition - the Muslims are naturally pleased at the establishment of Pakistan, but as Punjabis they wanted the whole of the Punjab; the Hindus and Sikhs on the other hand are apprehensive and most reluctant to leave Lahore. It would be difficult enough to partition within six weeks a country of 30 million people which has been governed as a unit for 93 years, even if all concerned were friendly and anxious to make progress. The members of the Partition Committee are friendly enough to me, and as a rule outwardly civil to one another; but there is a background of fear and suspicion and much time is wasted on trivialities. We have so far been unable to reach agreement on the principles on which assets should be divided. The reconstitution of the Expert Committees was a very great mistake - instead of objective reports, such as one is entitled to expect from civil servants, we are receiving poor political essays, recording the fact that the experts are unable to agree. The rush of Muslims to the West and of non-Muslims to the East continues. West Punjab with a minority of 27% non-Muslims will when all transfers have been made have hardly a Hindu or Sikh official, and East Punjab with a minority of 33% Muslims will have hardly a Muslim official. The shortage of petrol owing to the strike at Karachi will complicate the move of the East Punjab Government, and it has been very difficult to secure adequate accommodation at such short notice. Simla will take the Governor and the Ministers, the Secretariat proper, and the Heads of important Departments with skeleton staffs. The High Court and a large part of the departmental staffs will have to go elsewhere. I have done my best to keep the Partition Committee on the rails, but the members are very slow, and the East Punjab representatives are insinuating that the Muslims only want to get them out, after which nothing will ever be settled at all. I hope that the two new governments will by 15th August have the key staffs they need, some cash and the elements of a Budget each; almost everything else will have to be settled later.

5. We are still very short of rain, and in some districts the Kharif harvest will be

definitely bad. In the end I was unable to get the Partition Committee to agree to the immediate loan of 30,000 tons of wheat to the Centre. The Muslim representatives said that they must make enquiries in New Delhi, and I have not yet heard the result. Statistically and otherwise a strong case can be made out against the loan. With a bad Rabi harvest, poor prospects of Kharif, and the chance of severe and widespread disturbances the two Governments will hardly know for some weeks where they stand.

6. I shall probably write Your Excellency one more letter in this series about 13th August. I expect to relinquish charge on 14th afternoon and leave for Karachi on 15th.

7. Since the paragraphs above were dictated, I have had a long talk with Giani Kartar Singh, and enclose a copy of the note I made when it ended.

Yours sincerely,
E.M. JENKINS

Enclosure to Document No. 120

Giani Kartar Singh saw me at his request at 3.30 p.m. today. He said he understood from Sardar Baldev Singh that I had felt that at our last meeting his attitude had been threatening. He had certainly not intended any threats and apologized for any wrong impression he might have caused. I would no doubt realise that the Sikhs felt strongly on the boundary question and were sometimes carried away by their feelings. He handed me a copy of the Sikh Memorandum to the Boundary Commission, a copy of another document entitled "The Hindu-Sikh case for Nankana Sahib Tract," and a map. He then went over all the old ground again - the importance of the integrity of the Sikh community; the demand for an exchange of population so as to bring 85 per cent of the Sikhs into East Punjab; the Sikh claims on Nankana Sahib and other historical Gurdwaras; and so on.

2. I said that the Giani Sahib had himself to thank for all that had happened. I had told him from the beginning that the Sikhs could only suffer by the partition, and it was perfectly obvious that with their scattered population this must be so. But the Giani Sahib and other leaders had pressed for partition and had accepted the announcement of 3rd June. Now they suddenly turned round and said they did not want partition and would not accept the Boundary Commission's award.

3. The Giani Sahib broke in here and said that what the Sikhs had originally agreed to was a report by a Boundary Commission, which would be considered by the Governor-General. The report had suddenly been turned into an award, which would be final. This was quite contrary to what the Sikhs had accepted.

4. I replied that I did not understand the Sikhs at all. On the one hand Sardar Baldev Singh, in association with Mr. Jinnah, Mr. Liaquat Ali Khan, Sardar Patel and Dr. Rajendra Prasad, had said that the award would be accepted, whatever it might be, on the other hand

Giani Kartar Singh and other were saying in the Punjab that they would not accept the award unless they liked it.

5. The Giani Sahib rejoined that Sardar Baldev Singh had no authority to make any statement and that he had not consulted the Party before doing so. The Viceroy had simply sent for him "to get his thumb impression," and Sardar Baldev Singh would soon find out that he had made a mistake. The Sikhs were certainly not going to accept an award which they thought unjust.

6. I observed that the Sikhs would have to accept the award, and that there was no point whatever in their pretending that they would not do so. If the two Dominions were united in accepting the award and determined to enforce it, the Sikhs would have to come into line. Personally I had always held that there could be little change in the "notional boundary". It seemed to me that now-a-days population was the most important factor, and I very much doubted if other factors would count very greatly. This was of course only my own opinion. I had nothing whatever to do with Boundary Commission, and I might prove wrong. (My object at this point was to make it clear that the Sikhs must abandon extravagant claims and hopes.)

7. The Giani Sahib remarked that if no substantial modification in the "notional" boundary was intended, there was no need for a Commission at all. His Majesty's Government might have fixed the boundary and left it at that, and the Sikhs would have known where they stood.

8. I said I thought the Sikhs were making an unreasonable fuss. The creation of the two new Provinces would not affect titles in property, and Mr. Jinnah had guaranteed freedom of worship as well as other personal freedoms to the minorities. There was no reason why Nankana Sahib should not function in West Punjab exactly as it functioned now - there need be no difference at all in the religious and financial future of the Sikh community.

9. The Giani Sahib rejoined that he had seen a good deal of Mr. Jinnah and had no confidence in him. Even if I was right, Mr. Jinnah was not immortal, and the Sikhs were in great danger.

10. I said that what I wanted was a joint statement by the Muslims, Sikh and Hindu leaders in the Punjab on the lines of the recent statement by the Partition Council. Nobody wanted trouble when the Boundary Commission's award was announced.

11. The Giani Sahib replied that he could not agree to any such statement. The future of the Sikhs had been placed in the hands of the Chairman of the Commission, who knew nothing whatever about them or about the Punjab, and this was a position the Sikhs could not accept.

12. I said that the Sikhs would have to accept the position in the end. They were doing themselves no good by their futile demonstrations and outrages. I mentioned the Nankana

Sahib meeting, various outrages committed by Sikhs in Ferozepore, Gurdaspur and Amritsar, and particularly the shooting up of a train at Tangra Railway Station between Amritsar and Beas also mentioned the proposed *hartal* on 5th August.

13. The Giani Sahib agreed that the Sikh demonstrations were futile, but he did not agree to take the Commission, award lying down. He began a further statement of the Sikh claims and talked at some length on the usual lines.

14. I said he would be wise to get extravagant ideas out of his head. The partition was bad for the Sikhs, as I had already said, but by no means as bad as they thought. They would have a big share in the administration of East Punjab, and there was no reason why their position in West Punjab should be seriously impaired.

15. The Giani Sahib gave me some interesting information in the future of East Punjab. He said that the Sikhs favoured the amalgamation of the non-Punjabi speaking districts with the U.P. or with another new Province. They would then try to organise what remained of East Punjab as Sikh majority Province. The Sikh States would come in with them on this - they had not of course given the Hindus any idea of their intentions yet, as they wanted Hindu help over the boundary question.

16. Finally, the Giani Sahib burst into tears, as at our last interview, and said that it was my duty to protect his small and oppressed community. I replied that the question of the boundary was not in my hands and that I had no power to interfere. He then said that I must apprise the Viceroy of the position. I replied that the Viceroy was very fully informed of the Sikh point of view, and that advice from Sardar Baldev Singh was always available to him.

17. I got the impression that Giani Kartar Singh was still unhappy and extremely puzzled. He and Master Tara Singh have certainly made a great mess of the whole Sikh question. The real solution was to get rid of the non-Punjabi speaking districts and to keep the rest of the Punjab in Pakistan. I think the Sikhs appreciate this now; but it is too late to do anything about it.

E.M. JENKINS
GOVERNOR, PUNJAB
30.7.47

**A Record of decisions of the 20th meeting of the Partition Committee
held in the Committee Room of the Partition Office on
Wednesday, the 30th July, 1947, at 10.30 a.m.**

Punjab Partition Branch Record, Chandigarh

Present

His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers, Yaqub Shah and Sachdev.

Agenda Item No. 5.

It has been decided that in the Gurdaspur, Amritsar, and Lahore district the present D.Cs and S.Ps. shall remain on duty until the award of the Boundary Commission is known when they will be relieved by one or other of two corresponding teams to be provided as additional officers by West and East Punjab respectively.

2. Mr. Ram Chandra suggested to me this morning that it might be a good thing if the Magisterial staffs in these districts remained at their posts, whichever Province they have chosen. They can be relieved after the award is known.

3. It will, I think, be impossible to move all the magistrates before 15th August, and C.S. (Chief Secretary) might consider this suggestion which is prima facie sound. If C.S. sees no objection, it might be referred to the Partition Committee.

Sd/- E.M. Jenkins
24.7.47

Dislocation will be serious enough in any event, with several moves of D.Cs and S.Ps. taking place. Would Steering Committee take the view of Partition Committee.

Sd/- A.A. Williams
25.7.47

Decision

It was agreed that Messers Ram Chandra and Akhtar Hussain should jointly draw up a programme so that the actual transfers of Extra Assistant Commissioners are spread over

a period of about 5 weeks in order to avoid dislocation of work. The programme should be so arranged that many radical changes are not made in the districts of Gurdaspur, Amritsar and Lahore until the award of the Boundary Commission is known.

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Governor Punjab to Viceroy

IOR P/3/1/171/

Confidential.

Telegram (Grade C)

From: Governor Punjab.

To: Viceroy (By safe hand of pilot)

No. 203-G, Dated Lahore, the 31st July 1947.

Your telegram of 30th July No. 3041-S. The whole of the Punjab was declared to be a disturbed area under the Punjab Disturbed Areas Act 1947 on May 31st; a copy of the gazette notification is attached. As a result of this, the special powers conferred upon the armed forces by section 2 of the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance 1947 are already available throughout the Punjab.

2. I presume that the notification, as well as the Punjab Disturbed Areas Act, continues in force automatically after August 15th in virtue of section 18 of the Indian Independence Act, and I welcome the proposed order that it will not be rescinded save with the concurrence of the Central Government of India or of Pakistan.

Issue of the above has been authorised.

Sd/- Secretary to the Governor, Punjab.

Chapter III

From Amritsar 26th July, 1947 26th
Gianni Kartar Singh,
President Khichani Akali Dal,
Amritsar. 1-8-47

To The Private Secretary,
H. P. The
Govt. Delhi.

Sir,

I have the honour to send you herewith a copy of a brochure entitled Sahi Gaze for Harkana Sahib Tract. I hope you will kindly place it before His Excellency for his perusal.

I have the honour to be,
 Sir,
 Your most obedient servant,

Kartar Singh N.L.A

(Kartar Singh Giani)

President Khichani Dal

9324

This may be added as

By

1/8/47

Giani Kartar Singh to Private Secretary to Viceroy

I.O.R. MB. 123

Do No 2648-G
1-8-47

Amritsar
26th July 1947.

From

Giani Kartar Singh
President Shromani Akali Dal,
Amritsar.

To

The Private Secretary,
H.E. The Viceroy,
New Delhi.

Sir,

I have the honour to send you herewith a copy of a brochure entitled "Sikh Case for Nankana Sahib". I hope you will kindly place it before His Excellency for his perusal.

I have the honour to be,
Sir,
Your most obedient servant

This may be noted p.304 only.

Sd/-
1/8/47

Sd. Kartar Singh .M.L.A.

(Kartar Singh Giani)
President Akali Dal

THE HINDU-SIKH CASE
FOR
NANKANA SAHIB TRACT

A Warning.

"It is certain that Sikhs will not submit to Muslim rule; indeed their claim now is that

they should have the whole of Punjab which was once theirs.”

Yorkshire Post 4th June, '47

A Question

Would a satisfactory place be found for the Sikhs?

Viscount Templewood
in the House of Lords

The answer.

“It is to be hoped that the Boundary Commission will be able to arrange the boundary so that the shrines and properties and other things held so dear by the Sikhs may be amassed as far as possible within one frontier.

Mr. Butler
In the House of Commons.

I. The Proposition

This small brochure is about a large non-Muslim majority tract west of the Ravi. This tract stretches itself out over an area of about, 2,800 sq. miles, an area which is larger than many districts of the Punjab and is greater than the total area of the Punjab districts of Jullundur and Ludhiana put together. It takes in the contiguous parts of Sheikhupura, Lyalpur and Gujranwala Districts and is contiguous to the Lahore District where the most important community, according to Mr. (now Sir) G.E.B. Abell, Settlement Officer, is that of “the Jat Sikh”. In the proposed demarcation of boundaries between Pakistan and Indian this tract wishes to remain with India.

II. The Nature of this tract

This tract comprises 28 *Zails* of the Lyallpur district, 19 *Zails* and Nankana Sahib Estate of the Sheikhupura district and three *Zails* of the Gujranwala district. All these *Zails* are contiguous to one another. It has a total population of 9,98,545 of which 5,78,176 are non-Muslims and 4,20,369 Muslims. The number of Sikhs alone is 3,45,496. Of the total acreage of 13,73,215 the non-Muslims own 10,21,178 as against 3,52,037 owned by the Muslims. The total land revenue paid by this tract is 59,11,769 of which 41,88,414 is paid by non-Muslims as against 17,23,043 paid by Muslims. the percentage of population acreage and land revenue is as under:

	Non-Muslims	Muslims
Population	58 per cent	42 per cent
Acreage	76 -	24 -
Land Revenue	71 -	29 -

This large non-Muslim share in the land and land revenue might lead one to think that the non-Muslims own large estates here. Actually it is a land of small holdings. The owner tiller is an outstanding feature of this tract. In the canal colonies all the land available for distribution was cut up into bits of about 28 acres called squares. The colonists were given one square each which they were to cultivate with their own hands. A few larger holdings were given to educated and rich people for doing the pioneering work in agriculture. With the increases of population these one square holdings have become further sub-divided amongst the sons and grandsons of the colonists. In the non-Colony area of this tract as in other non-colony districts holdings are even smaller. This whole tract is thus a land of peasant proprietors who have small holdings which can be intensively cultivated by one pair of bullocks. Sir Malcolm Darling in his book *Punjab Peasant in Debt and Prosperity* (p.122) observes, "The peasant proprietor is the backbone of the colonies as he is of the Punjab. In the Lyallpur colony he holds 80 per cent of the land and in Shahpur nearly as much."

This large and preponderantly non-Muslim tract adjoins the Lahore District near Balloke Head on the river Ravi. There is however a seven mile patch with Muslim majority in between the Lahore district and this tract. This Muslim patch is sandwiched between two homogeneous non-Muslim tracts. For such cases there is well established rule for demarcating boundaries which says that the interests of a small group desiring self determination cannot be allowed to prevail the important and economic needs of a large neighbouring group especially when the linguistic cultural, historical and traditional affinities also lead to the same conclusion.

III. Other considerations.

In view of the above rule for demarcating boundaries, the seven mile Muslim majority patch cannot be a bar to this large tract joining India in the exercise of its right of self-determination. It is entitled to do on the recognised principle of contiguous majority. But there are certain other important considerations also which make it imperative that its choice should not be interfered with. These considerations have reference to certain special features of this tract which set it off as a non-Muslim tract. These will be considered one by one in the following pages.

1. Nankana Sahib

Nankana Sahib is the birth place of Guru Nanak, the founder of the Sikh religion. It was here that the faith sprang and spread on all sides. This place was also the scene of various activities of the Guru till he left it for reform journeys in other parts of the continent. This place is thus the holiest of the holy and comparable in sanctity only to the Mecca of the Muslims in the Arab Peninsula. There are six historical Gurudwaras here associated with various incidents in the life of the Guru. A huge fair is held here annually in November to celebrate the birth anniversary of the Guru. Thousands of Sikhs pilgrims from all over the country visit the place on that occasion. A number of special trains are run to cope with the enormous traffic. Attached to the Gurdwara is a flourishing Estate of 17,000 acres granted by Maharaja Ranjit Singh, the Sikh king of the Punjab. Leaving this place in Pakistan would be like insulating the heart against the body.

Addressing the House of Commons on 14th July Mr. Arthur Henderson, the Under Secretary of State for India, said: "The function of the Commission was to demarcate boundaries between the two parts on the basis of the ascertained contiguous majority areas of Muslims and non-Muslims. The Commission would also take account of other factors.

"That surely must mean that the primary basis was to be whether the majority was Muslim or non-Muslim. But in certain cases there might be special factors which would justify departure from this principle.

"These special factors were being allowed to take account of the circumstances of the Sikh community in the Punjab so that the location of their religious shrines could be taken into account."

2. Other Historical Gurdwaras

Other historical Gurdwaras in this tract as given in schedule I of the Sikh Gurdwaras Act are:-

1. Sacha Sauda, 2. Chitti Jatri, 3. Haft Maddar.

Sacha Sauda commemorates an important incident in the life of Guru Nanak. A big fair is held here on the birth anniversary of the Guru. The Gurdwara, owns hundred acres of land. It is situated in the centre of the large homogeneous Sikh community of the Virk Jats about which something will be said later on.

3. The Colonists.

A majority of the non-Muslims in this tract are colonists who at the end of the last century came from the Central and Eastern Punjab and contributed in a great measure to the development of these colonies. The Sikh peasant proprietor in the heart of the colony hails chiefly from Amritsar, Jullundur, Ludhiana, Hoshiarpur, Ambala and Ferozepur districts. The following observation in regard to these colonists by Sir Malcolm Darling in his book *Punjab Peasant in Debt and Prosperity* (pp. 122-123) are noteworthy.

"A colony could hardly have had better material, for Ludhiana, Jullunder and Amritsar represent the flower of Indian Agriculture. They are the home of the Jat Sikh who has been described as 'the most desirable of colonists,' It would be difficult to say which of the three has produced the best types for industry and thrift the Ludhinana Sikh is hard to beat and the Sikh from Amritsar, though he may be spendthrift and violent at times, is unsurpassed as a cultivator. Grit, skill in farming and a fine physique are characteristics common to all and in his new environment the Jat Sikh has reached a point of development probably beyond anything else of the kind in India. In less than a generation he has made the wilderness blossom like the rose. It is as if the energy of the virgin soil of the Bar had passed into his veins and made him almost a part of the forces of nature which he has conquered."

Although these people devoted themselves whole heartedly to the exacting task of colonizing these districts they did not altogether cut themselves away from their original homes. They named their new villages after their home villages in the Eastern Punjab which

they had left behind. In the interests of efficient cultivation, families were divided up, some members living in the colony area and others in their original homes. The Gazetteer of the Chenab Colony Vol. XXXI (1904) records, "The bachelors always return to the home district for a bride when required doubtless because they know so little of their neighbours in the colonies. "Thus the fabric of social life in the colonies remained closely interwoven with life in home districts in the Central and Eastern Punjab. With the partition of the Punjab in case the colony areas are not included in the Eastern Punjab great complications including that of nationality in the same family are bound to arise. Two sons of the same father may come to belong to two different nationalities. This aspect of the question does not effect the Hindus or Muslims to any appreciable extent, as there are no colonists in the Eastern Punjab from the Western Zone. The colonists in the Lyallpur and Montgomery districts are mainly Sikh Jats of the Ambala and Jullundur Divisions and Amritsar district of the Lahore Division.

Sir Malcolm Darling at page 143 of the *Punjab Peasant* writes: "Lyallpur is the daughter of the Central Punjab as Shahpur is of the North and the West, and its influence is felt accordingly. From Amritsar alone, over 1,00,000 have migrated to the Bar."

Linguistically also the colonies are one with the Eastern Punjab, because both have a common language - Punjabi. The language of the Western Punjab is Lehnda which is different from Punjabi. Sir George Greirson in his book *The Linguistic Survey of India* Vol. IX observes at P. 610, "Commence at the Northern end of the Pabbi Range in the Gujrat district to the Gujranwala town of Ramnagar on the Chenab. Then draw a line nearly due south to the southern corner of Gujranwala, where it meets the northern corner of the district of Montgomery. Then continue the line to the southern corner of Montgomery on the Sutlej. Follow the Sutej for a few miles and cross the northern corner of the State of Bahawalpur. Every thing to the east of this line I call Punjabi and everything to the west of this line I call Lehnda."

4. Non-Muslim Share in Urban Development

Whereas the Sikhs played a major part in the development of the rural area of this colony, the urban area was built up mainly by the enterprise of the non-Muslims chiefly Hindus. It would be correct to say that almost the entire trade, commerce and industry of the Lyallpur District are run by non-Muslims. This is shown by figures in regard to the payment of the Urban Immovable Property Tax. The Sales Tax and Income Tax. In the year 1945-46 the non-Muslims paid Urban Immovable Property Tax in the amount of Rs. 1,40,300 whereas the Muslims paid Rs. 22,900. The amount of Sales Tax paid by the non-Muslim was Rs 3.08,000 as compared with Rs. 17,000 paid by the Muslims. The Income Tax paid by the non-Muslims amounted to Rs. 89,50,000 compared to Rs. 5,00,000 paid by the Muslims. Of the total number of 72 registered factories in the district 57 factories were run by non-Muslims and only 15 were run by Muslims.

In the Sheikhpura district the Sales Tax paid by non-Muslims amounts to Rs. 1,15,168 as compared with Rs. 7,465 paid by Muslims and the Income Tax paid by the non-Muslims amounts to Rs. 4,41,382 as compared with 33,922 paid by the Muslims. In the whole tract the non-Muslims run two Degree Colleges, 14 High Schools for boys and 8 middle Schools for girls as against two High Schools run by the Muslims.

5. The Virks

Apart from the Sikh colonists there is a big original Sikh tribe of the Virks in Sheikhpura and Gujanwala Districts who have been living in this tract since pre-British days. Before the coming of the British they enjoyed a semi autonomous status. Sir Michael O'Dwyer Deputy Commissioner Gujranwal district (later Governor of the Punjab) writes in the Gujranwala District Gazetteer 1895: "The Virks hold 120 villages. Politically they are by far the most important tribe in the district, They are mainly Sikhs, in the Bar nearly always so, and physically are a fine athletic manly race far surpassing in energy and industry; any of their Mohammedan neighbours.... They were among the first to embrace the militant Sikhism propagated by Guru Gobind Singh, and to take advantage of the decay of the Moghals to establish themselves in the centre of the Doab. The native army and Military Police of Burma, Hongkong and Straits Settlement receive many recruits from this tribe; and even now some of them are to be found in the service of the British companies in East and South Africa."

The 120 villages mentioned in the Gazetteer were split up into two parts in 1921, a majority of them going over to the newly created district of Sheikhpura. As this tract takes in parts both of the Gujranwala and Sheikhpura districts it consolidates within its limits 90 per cent villages of the Virk community.

6. The Sikh Character of the Tract

There are in this tract about 800 Sikh villages and 1,000 Sikh Gurdwaras. Prof. J.C. Archer of Yale University (U.S.A.) in his book *The Sikhs* writes at page I "Even the unpretentious Gurdwaras of the Sikhs in the villages reflect the faith itself and preserve the essential meaning of all Sikhs' common worship" There is also a sprinkling of Khalsa schools for boys and girls all over the region. Various local Sikh fairs are held annually which celebrate the Sikh festivals.

This tract was further hallowed by a tragic incident at Nanakana Sahib in Feb. 1921. A dissolute Mahant in charge of the Gurdwara was sought to be reformed. About two hundred Sikhs came to remonstrate with him on the laxity of his administration and morals. To continue the story in the words of prof. Archer "The visitors were admitted to the sanctuary and upon their entrance they gave the customary shout *Sat Siri Akal* "Truth, Honour, God." When almost on the instant, on signal from the Mahant the outer gates were closed and the company faced with the fire of the gunmen from their several points of vantage. Most of the band were killed or mortally wounded. Within a brief half hour one hundred and thirty six in all were dead and steps were taken right away to cremate with lime and fire the bodies heaped in a pile in the outer courtyard. This episode appeared to be a ghastly outrage deserving not only Sikh but public and Government attention also. The Sikhs themselves responded first with bands of avengers bearing down on Nankana, until Govt. was forced to interfere by drafting and despatching thither large contingents of soldiers and police."

All these men of courage and devotion who were shot or burnt alive in the Sanctuary belonged to the villages in this tract As they had died for a sacred public cause every village which had sent a martyr built a sepulchral monument in reverence to his memory. The tract

was studded with these monuments. It came to be known as the Shahidi Bar or the Bar of the Martyrs and acquired a new significance and added sanctity.

7. Army

Mr. Butler in the Commons Debate on the India Bill told the house that of all the martial races in the world Sikhs had built up probably the greatest reputation. Those Sikhs who would be left in Pakistan would not be encouraged to join the Pakistan Army because of the traditional hostility between the two communities. This bar to recruitment would necessarily kill the fighting spirit of the Sikhs a most undesirable thing to happen to any community.

8. The Muslim Population.

A majority of the Muslims in this tract live in Sikh villages and work as carpenters, ironsmiths, weavers, oilmen and shoemakers. They are not attached to any particular village or even tract and tend to migrate where the business is good.

9. Economic Weakness of Eastern Punjab.

The Eastern Punjab under the notional division would be short of food and clothing. The wheat production of the Eastern Punjab is 29 per cent of the total production against 71 per cent in the Western part, the quantity available per capita in the Eastern part being only 15.7 lbs. as against 26.3 lbs in the Western part. The figures of rice production show even a greater disparity, the percentage of rice production in the Eastern part being 14.4 as against 85.6 per cent in the Western part and the quantity per capita being 1.6 lbs. and 6.5 lbs respectively. As regards cotton the outturn of American cotton in the Eastern Punjab is only about 40,000 bales against 6,99,000 bales in the Western Punjab. This disparity in the supplies essential to life is further accentuated by the density of population in the Eastern part being very much heavier than in the Western part, namely 327 persons per square miles in the Eastern part as against 264 persons per square miles in the Western Punjab. The Nankana Sahib Tract with its million and half fertile acres celebrated for the production of wheat, rice and cotton when joined with Eastern Punjab will go a long way in improving its food and clothing position. This demarcation will thus make the partition of the province economically more equitable.

IV Sikh-Muslim Hostility

It is a notorious fact that Sikhs and Muslims have always been hostile to each other. Sikhism developed largely from the unforeseen need of self defence against the Muslims. Prof. Archer writes in *The Sikhs* "The Indian Muslims do not hold the Sikhs in high esteem and the Sikhs count the Muslims enemies." (page 2) Except under the pax Britanica, a state of perpetual warfare between the two communities has been the rule. In the Second Sikh War Muslims helped the invading British Army against the Sikh Government of the country. Muslim tribes "rallied to the British standard, readily furnished supplies, brought in

information of the movements of the enemy and fought on our side at Ram Nagar, Chellianwala and Gujrat. A plot to stir up Sikh population of the district by the agency of a religious pretender Guru Maharaj Singh who was fomenting rebellion in the guise of a religious mendicant was frustrated by the Pathans of Jandiala Sher Khan who gave timely information to the authorities. A force of horse was promptly despatched from Wazirabad, the offending villages, Karyal, Jhabbar and Chuharkana in which troops were being secretly enlisted were plundered and burned down. (*Gujranwala District Gazetteer* 1895). All these Sikh villages are located in this tract.

Even today although the old parties are no more the rival camps remain and new parties eagerly await to occupy the old camps.

Sikhs in Pakistan would find themselves in a hostile setting. That is why they have opposed it all through. Writes Prof. Archer, "Few if any, (Sikhs) have identified themselves with the theory and activities of Pakistan, the Muslim League's indefinite proposal of an independent state in North-west India, because Sikhs might be included in it; and they have no desire to be ruled again by the Muslims. . . . Sikhs are Indians and will continue to be such. They will link their own estate with the welfare of the whole of India, and towards this larger end they will take account of their own peculiar assets, insisting on these values in any further transformation of their status, both in ecclesiastical and political affairs." (*The Sikhs* Pages 307-308)

V Conclusion

It is useless to try for merely political unification of two communities so situated towards each other as the Sikhs and the Muslims. There has been much too suffering and sorrow in Rawalpindi and Multan to leave room for further experimentation. To think of the gradual subdual of religious or racial prejudices and traditional enmities is to ignore the realities. The World War has actually accentuated these difficulties. Neither can the laws help much because tradition and prejudice live on in spite of law. In America the land of education, culture, democracy and justice and Negro is still subjected to worst kind of discrimination and humiliation. Mr. Edwin Embree in his book *American Negroes* writes "Thirteen million native born American citizens continue to be bound by many restrictions and by thousands of daily hurts. While we resent Hitler's boast that he took his pattern for handling minorities in Europe from our treatment of Negroes in America we still hold racial attitudes half democratic, half Nazi, Brown Americans still wear chains. The finest Negro is at the mercy of the meanest white man. Even winners of our highest honours face the crass colour bar."

Today when charters of radiant liberty are going out to the other communities this predominantly Sikh tract also demands the right of self-determination. Only Muslim imperialism stands in the way. The desire to rule over others is found among individuals as well as among nations. It is particularly pleasing to have a whole group of people who by definition are beneath us.

The Nanakana Sahib Tract is determined that it shall not allow itself to be handed out to its enemies. The Hindu-Sikh case for this tract is based on contiguous majority plus other factors, religious, social, economic, racial and linguistic.

Punjab Government Report

National Archives of India

Home Poll. Dept. (9) File No.18/7/47-p.87-101

Confidential

Report on the situation in the Punjab for the second half of July, 1947

1. **POLITICAL** - The sittings of the Boundary Commission and speculation concerning its eventual award have overshadowed all political activity. The Sikh demand for the fixation of the boundary at the River Chenab has resulted in similar inflated demands from the Muslims and both communities have been vocal in their threats to oppose by force the loss of any territory they will abide by the decision of the Commission, may influence the Muslims and Hindus to abide by the dictates of their political leaders, but the attitude of the Sikhs is one which continues to cause grave anxiety and the retrogression of the Congress has in no way altered the decision of the leaders to use force if it is necessary to achieve their aims. The Group of Giani Kartar Singh is understood to favour some form of immediate action but the adherents of Udham Singh Nagoke prefer to await the announcement of the award. The unpredictable actions of the Giani, however, are sufficient to arouse apprehension of widespread communal trouble in the near future, and he might precipitate trouble at any time. He was recently responsible for an act of defiance and an attempt to stage a demonstration presumably with the object of influencing the Boundary Commission. This was staged at Nankana Sahib, one of the most venerated of the Sikh Gurdwaras and one about which there is great concern about its remaining in Pakistan, and was in the guise of an "All Punjab Sikh Political Conference". The threat and the aim were to attract a gathering of nearly 100,000 persons mainly from the central districts of the Province to protest against the inclusion of the disputed areas in the Pakistan Zone. The ban on the meeting, which was held on the 27th of July, and the firm preventive action taken by Government, however, largely defeated the Sikh intention, although the number of people attending eventually swelled to about 12000. The deliberate act of Giani Kartar Singh in preventing a successful conclusion to compromise talks between the leading Sikhs at the Gurdwara and the District authorities further revealed the attitude of unprincipled unconstitutionalism to which he has acknowledged himself. There is still no indication that the Sikh community is being subjected to any approach other than the appeal to belligerency and their preparations for an eventual war between the Sikh and Muslim communities have not slackened.

The opposition to the Khan of Mamdot as the future League leader of the Western Punjab has become more hostile and the attempts of Malik Feroze Khan Noon to replace him have been a subject of general public comment and interest. The impression prevails in intelligent political circles, however, that the Noon bid for power at this stage has been ill-timed and that the claimant for power has probably jeopardised his future career in the Muslim League. The fact that Mr. Jinnha is not averse to the matter being decided by the constitutional method of vote has encouraged his staunch supporters. There are many others, however, who do not share their optimism in this respect and the possibility of changes in

allegiance taking place is present.

Congress political activity has not been marked and a deterioration in Congress influence in a number of districts continues to be reported. L. Bhim Sen Sachar has at last been selected as the leader of the Western Punjab Congress Assembly party, but the preliminary manoeuvring showed that the party factionalism from which the Punjab Congress has suffered for so long has in no way abated. Opinion is also hardening in the Haryana area against the Congress, and the local representatives in the Eastern Punjab Congress have thought it necessary to address Dr. Gopi Chand and Pt. Jawahar Lal Nehru to the effect that the residents of the East resent the nomination of two suggested ministers in the Province and the interference of the High Command in this respect. The Hindu Jats of this area maintain that non-Muslims of the Western Punjab should refrain from interference in Eastern politics and Services. These demands, which have been growing steadily in the past few weeks, may give the rejuvenated Hindu Mahasabha another weapon to use in its opposition to the Congress organisation.

2. COMMUNAL - Notwithstanding the assurances of League leaders the minorities of the West are again on the move. The exodus of Sikhs from the districts of the Western Punjab has recently gained in pace and from Lahore the exodus has again become large of both communities. This is due mainly to the number of daily incidents, many of which were of grave nature, to which Lahore has again been subjected. The situation in Amritsar and Gujranwala City has shown some improvement but the rural areas of Amritsar district and Hoshiarpur are in a disturbed state and the impression that organised Sikh gangs are on the move in these areas appears to have some basis in truth. Further east, the situation has improved following a slight decrease in tension in Gurgaon district where, however, the situation is still grave and both communities have been reported to be preparing for another struggle. The situation throughout the Province can only be described as unsettled and combustible and all communities are fearful of grave disturbances following the Commission's award.

3. VOLUNTEERS - The R.S.S.S. organisation for the first time for months, shows a decrease in membership, confined to the Lahore and Rawalpindi districts. The decrease is in the neighbourhood of 6000. Activity, however, has not slackened and six new branches have been formed. Immediate steps are now being taken to strengthen the organisation to the fullest extent in Jammu and Kashmir, where, it is anticipated, the Muslims will make a bid for power. In Lahore action has been taken against R.S.S.S. workers for the part they have played in recent communal disturbances, as a result of which some have been arrested while other important workers have gone underground. In other places the organisation's activities have also have criminal in character. In Gujranwala City some members have been advocating retaliation with violence for the recent murder of Narinjan Dass Bagga and in Kaithal, Karnal District, the Hindu community has been urged to arm and promises have been given to procure arms for this purpose. Some members of the Muktsar Branch Ferozepore District are reported to have been attempting to obtain arms from neighbouring areas and R.S.S.S. workers of the Doaba have been manufacturing crude bombs, in Jhelum and Rawalpindi local branch workers have been trying to persuade members of the Hindu community to remain where they are and prepare themselves against aggression. From the

Okara Branch, Montgomery district some members of the Sangh have gone to Hardwar to attend a camp there and in Rohtak workers are receiving training from an instructor who has recently returned from Nagpur. Another camp is being held in the Kapurthala State.

There is no doubt that the belief of the R.S.S.S. in the creed of violence is as strong as ever.

The present strength of the Sikh Shahidi Jathas is estimated in the neighbourhood of 19000, the increase in strength is probably due to the amalgamation of the Akal Regiments. New Shahidi Jathas are reported to have been formed in seven districts. In Ferozepore District, reports say that the Jathas have been concerned in the secret smuggling of arms. In other districts the training of the Jathas is going on.

A new proposal appears to have been adopted under which Muslim League National Guards are to receive intensive military training and will undertake the duties of Home Guards, in an emergency cooperating with the Army. Permanent records of members in the form of character rolls are to be maintained and there will be only one Salar-i-Zilla, all other posts to be abolished. Ex-members of the I.N.A. and the Army are now being employed extensively in the highest ranks, a policy believed to be in accordance with the instructions of the Muslim League High Command. Increased activity has been exhibited in the Ferozepore District, where a Training Centre has been started and enrolments have been brisk. In the Rawalpindi district, Muslim League National Guards have been touring the country side preaching the boycott of non-Muslims.

4. LABOUR - Communist activity in the labour field is suffering from the action of the Kirtis, who under the leadership of Teja Singh Swatanter, have parted from the C.P.I. and have formed a Central Committee of Pakistan and P.C. Joshi has issued a statement to the effect that the C.P.I. has now no connection with the rival Communist Party in Pakistan. The Kirtis of the East, too, have helped to precipitate a crisis and the Doaba and Amritsar rural Communists have given notice to Ajoy Kumar Ghosh that if the elections to the P.O.C. are not held within a week they will themselves form a P.O.C. for the Punjab. At the same time the P.C.P. is passing through a financial crisis and has been unable to pay its whole-time workers for a month. Communists in the world of Railway labour are also showing their ability in the race of opportunism and Mirza Ibrahim, who is now masquerading as a sympathiser of the Muslim League, has promised Mr. Jinnah full support in the establishment of Pakistan and given an assurance that no strikes will be undertaken by Muslim employees to the detriment of the new Dominion. In this new line of action his sincerity is not accepted even in his own circles.

The strike of Sub-inspectors of the Cooperative Department was called off on the 15th of July as the Registrar offered to look into their grievances.

5. ECONOMIC - The fortnight saw an accentuation of the tendencies noticed during the previous fortnight. Financial difficulties persisted and the trade channels are not functioning at all normally in view of the uncertain political and financial future. Rail transport for the movement of wheat has also been scarce and arrivals of grain in markets are unsatisfactory. The late and insufficient rainfall in a number of areas, particularly in the South-East Punjab has created much anxiety about the kharif sowings, and fodder prices are rising.

6. **PRESS** - The controversy concerning the all important issue of the demarcation of the boundary between the East and Western Punjab which has been raging for several weeks has absorbed the main attention of the Press during the past fortnight. The Hindu Press has shown itself particularly concerned about the fate of the City of Lahore and has striven hard to prove the Hindu claim to its possession. Sikh papers which have vigorously espoused the case for the incorporation of their religious places, and the wealth colony areas of their community, in the Eastern Punjab in company with threats of violence and fulminations against Government, have greatly helped the Sikh policy of whipping up feelings to a pitch when seizure by force would appear the logical outcome. This section of the Press most emphatically resented the Government attitude to the proposed All Punjab Sikh Political Conference. The Muslim press has also tried to influence the Boundary Commission by publishing scores of resolutions passed in numerous meetings held by many complexions of Muslim thought throughout the Province. Alluding to the Sikh agitation against H.M.G.'s statement of June the 3rd, Muslim papers and some Hindu daily too, have criticised Panthic leadership for rejecting the plan after an initial acceptance and have condemned the threats of force which the Sikh leaders are now holding out. They say the Sikhs are paying for a situation which they have created themselves.

Mr. Jinnah's statement promising minorities in Pakistan protection of life and property, freedom of worship and of the Press etc., has been welcomed. The joint statement issued by the Partition Council on the subject of protection of the minorities and their rights and privileges in both Dominions has also been much appreciated and the decision to establish a special military command in the 12 disputed districts of the Punjab has been warmly welcomed.

The result of the N.W.F.P. referendum was naturally given great prominence by the League papers which described it as a victory for the Parthans and for the League and exploding the Congress claims. The Hindu Press on a note of disappointment claimed that the referendum had been held in unfavourable circumstances and that voting had been in no way free or fair. They continued to maintain that the popular will of the N.W.F.P. would eventually assert itself in favour of Pathanistan.

The campaign to replace the present Muslim League leader was resumed by a number of League daily papers. M. Abdus Sattar Niazi M.L.A. contributing a series of articles with the definite object of organising Muslim opinion against the Mamdot-Daultana Group. His remarks urging the Muslims community to restore Islam to its previous glory in Pakistan and to prepare within the next ten years for a fourth battle of Panipat were met with much exception by some Hindu papers which drew their community's attention to the future designs of Pakistan.

An emphatic protest was registered by the entire Muslim Press against the proposed Hindu demand for prohibition of kine-slaughter in the Indian Union, and Muslim papers warned those who read them that any such action might well provoke reprisals against the Hindus in Pakistan.

The assault by the Dutch on Indonesian forces has been severally condemned by the Press and the Indonesians assured of the moral support both of India and Pakistan. The Press was unanimous that the matter was one which must be raised with all expedition before the

U.N.O. which should require the Dutch to refrain from interfering in Indonesian affairs.

Akhtar Husain
Chief Secretary to Government, Punjab

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Private Secretary Viceroy to Secretary, to Governor, Punjab

I.O.R. MB 127

Telegram Grade C (By telephone)

CONFIDENTIAL

From - PSV, New Delhi
To - Governor's Secretary, Punjab.
No. 3094-S. dated the 1st August 1947 (TOD- - -)

Governor's telegram 197-98 of July 29th .

After taking soundings here Viceroy is convinced that it will be best not to Press Kartar Singh, Indications are that this would have no effect especially as there is no inducement or offer.

Tara Singh's statement reported on July 28th that the Sikhs should wait for the award of the Boundary Commission suggests that there may be no serious trouble for the moment.

Does Governor think that a statement by the Partition Committee as a whole without specifically quoting membership would be suitable? Swaran Singh has returned to Lahore.

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The Case of Punjab University, Lahore

**Extract of record of decision of the Partition Committee Meeting
held in the Committee Room of the Partition Office
held on the 1st August 1947, at 10.30 a.m.**

Partition Branch Records, Punjab Secretariat, Chandigarh.

Present

His Excellency the Governor
Mr. Zahid Hussain
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messers Yaqub Shah and Sachdev.

Agenda Item No.1

I venture to submit that his Excellency's note does not state the legal position correctly.

1. The India Universities Act 1882 will not apply either to Eastern Punjab or to Western Punjab, unless they are so made to apply by the separate Legislature of the two Provinces.

If a new Legislative Act is necessary either by way of amendment or adaptation why should it not take the form of establishing two separate Universities each under the own provincial Legislature indeed of saddling both with one University which may not satisfy either.

2. It does not follow from His Excellency's note paragraph (1) that if a common University for both Provinces continues after partition, the Governor of that Provinces in which Lahore falls, will automatically be the Chancellor. The Governor of the other Province would have an equal claim. The Governor of any one of the partitioned Provinces is not the proper successor of the present Governor of the Punjab. That office is being split into two, and it follows that the University of which he is the head should also split into two.

The constitution of the University will be completely abrogated on the partition of the Province. Firstly, the Chancellor will no longer be there. The Vice-Chancellor, who is his nominee, will also cease to function. The same is true of the Syndicate, Senate and other constituent bodies of the University.

3. While there is no bar to an Educational Corporation undertaking activities outside its own province, the question is whether it can do so effectively in this case, without impairment of the existing rights and privileges of those parts of the present Province of the Punjab which will fall in the other zone. At present the University belongs to both zones, but under the arrangements contemplated by His Excellency it will belong to one zone and merely "undertake activities" in the other zone. This is not a position which can be accepted by the other zone. A joint University arrangement can only be fixed by the mutual consent of both Provinces, it is most unlikely that this consent should be forthcoming. The arrangement even if embarked upon would in practice turn out to be failure at the first test.

4. If nothing is done before August 15th University will not be able to function in either Province. It will become a bone of contention between the two of them. The Province in which the University is located will have complete jurisdiction over it and there would be nothing to prevent it from altering its purposes, Statutes and Regulations in any manner that it likes. The other Province is not likely to submit to any such alteration of the Constitution and Regulations, etc., and will challenge and legality of such acts, therefore, a question of the other party "Prohibiting its activities" being deprived of the share in body Corporate of the University which it enjoys now, and from which date it will be excluded in the future.

A further question arises about the security of tenure of office of the present employees of the University. How will they be able to enforce their present contracts, if the

new authorities choose to abrogate their rights and privileges. If partition is agreed upon the present employees would opt to serve under the Province or the other, and will thus receive protection from the Province which they select. If this not done there will be grave danger of victimisation of University employees.

5. The correct legal position appears to be, that without special legislation to the contrary, the present University of the Punjab will stand dissolved on August 15, 1947. The Senate has recommended partition of its assets between the two Provinces. The recommendation cannot be given effect to without Statutory sanction. This Statutory sanction can be given by the Governor of the Punjab. If this is not considered expedient, the Statutory sanction can be given by the Governor General under section 9 of the Indian Independence Act of 1947.

The course of action proposed is strictly in accordance with the law and will serve the best interests of University Education in both the provinces into which Punjab is being partitioned.

A note from Mr. M.G. Singh and the legal opinion of Mr. R.C. Soni are placed below:

Sd/- S.C. Chatterji
27.6.47

A Note on the issues raised by His Excellency the Chancellor on the Partition of the Punjab University.

“The Punjab University Act, 1882 and the Indian Universities Act, 1904, will on and after 15th August, 1947, remain in force both in West Punjab and in East Punjab (with such adaptations as may be necessary) until amended or repealed by a competent legislature. The Indian Independence Act contains the usual provision on this subject.”

1. Paragraph 2 does not state the legal position correctly. The proper legal position seems to be as follows:- (1) The Punjab University Act, 1882 cannot remain in force after the 15th August, 1947. This Act provides under section 4 that the Chancellor of the Punjab University should be Governor of the Punjab.

However, under section 4 of the Indian Independence Act there shall be no province of the Punjab or its Governor. This section provides that the “Province of the Punjab as constituted under the Government of India Act, 1935, shall cease to exist and there shall be constituted two new provinces to be known respectively as the West Punjab and East Punjab.”

It follows, therefore, that the Chancellor of the Punjab University will cease to exist. It would be illegal for the Governor of the Province in which Lahore falls to be the Chancellor of the University. The Chancellor of the other Province in which Lahore does not fall will have an equal right to be the Chancellor. For, it is not the University of Lahore of which the Chancellor is required, nor is the Governor of Lahore designated as the Chancellor.

This section 4 of the Punjab University Act 1882 goes against the continuance of the Act as well as of the University after the 15th August, 1947.

Similarly section 2(1) dealing with the Governor General as patron of the University would become meaningless as there will be two Governor Generals, each having jurisdiction over one portion of the territorial limits of the University.

Section 2(2) deals with the Body Corporate out of which the Chancellor and his nominee (under section 5) the Vice Chancellor, and a number of Fellows nominated by him under other section, or approved by him after election, would also be non-existent.

This would also make section 9, which deals with the Senate unworkable and meaningless.

The Indian Universities, Act of 1904 in section 6(2) deals with the Fellows nominated by the Chancellor who is the Governor of the Punjab. Other provisions of the Act dealing with the powers of the Chancellor would not be brought into operation in a province which exists no longer. Various other sections of this Act such as section 25 will also become inoperative and meaningless.

The conclusion is obvious, the Punjab University Act 1882 and the Indian Universities Act 1904 cannot continue even with any adaptations that may be thought of.

"It follows from (1) that in whichever of the two Provinces Lahore falls, the Governor of that Province will be the Chancellor of the University and the Constitution of University will be unimpaired."

Paragraph 2(2)

II. Constitution of the University cannot remain unimpaired.

The constitution of the University consists of the Chancellor, the Vice-Chancellor and the Senate. As stated in paragraph I above, the Chancellor will cease to exist from the 15th of August, 1947. The Vice-Chancellor will cease to exist when his present term of office expires. This Senate will gradually cease to exist as the term of office (5 years) of individual Fellows comes to an end.

The University being a body Corporate composed of the elements enumerated above, it is for consideration whether it can at all function when its head the Chancellor becomes non-existent.

III. There is no bar to an Educational Corporation undertaking activities outside its own Province or even outside in themselves or made illegal by Statute.
Reference Paragraph 2(3)

It is correct to say that there is not bar to an Educational Corporation undertaking activities outside its own province or even outside its own country.

But such an Educational Corporation cannot belong to more than one country. It can belong only to the Province in which Lahore falls. Therefore, it must be reconstituted and its constitution remade so as to suit the wishes and requirements of the new legislature of the province in which Lahore falls.

Whatever adaptations of constitution or of the Act (1882) may be introduced to suit the changed conditions brought about by the division of the Province of the Punjab are tantamount to the making of a new Act and Statute-an adaptation being only a legal device to save fresh drafting. To all intents and purposes an adaptation is a fresh enactment.

Thus the assigning of the Punjab University either to the East Zone or the West Zone according to the location of Lahore is the termination of the old constitution and a restatement of its purposes different from those defined in the Punjab University Act of 1882

and expanded by the Indian Universities Act of 1904. The fresh assignation, termination, and testament will all be an acknowledgement of the fact that the old University and its legal entity is no longer there.

“If nothing is done before 15th August, the Punjab University can thereupon continue to function in both Provinces and elsewhere precisely as it does now, until its activities are prohibited or limited by an Act of competent Legislature.”

Reference Para 3(4)

IV. It is not correct to say that if nothing is done before the 15th August, 1947, the Punjab University can thereupon continue to function in both provinces and elsewhere precisely and as it does now.

The Punjab University Act of 1882 will not apply in either of the new Provinces unless it is made so to apply by their respective legislatures in each one of them. It is clear that each legislature when applying will have to make different adaptations (which as already stated above means making new laws).

V. The correct legal position, therefore, is that the Punjab University stands dissolved automatically on the 15th August, 1947, and must be reconstituted in the forms decided upon by the legislatures of the two Provinces.

Reference Para 2(b)

VI. Its continuance is possible only under the following conditions:-

- (a) That the Governor of the Punjab or the Governor General should before the 15th of August pass an Act creating two different Universities one for each of the two provinces of the Punjab with the present rules and regulations (with modifications and adaptations suiting the requirements of the two provinces).

or

- (b) The two Dominions of India and Pakistan should agree to acknowledge the present Act and Law relating to the Punjab University and decide jointly upon the method by which the Chancellor, the Vice Chancellor and the Senate of the University having jurisdiction in the two Dominions can be constituted. This will not only be a cumbersome and dilatory process, but will cause unnecessary conflict.

VII. Yes. The Partition can be affected by the Senate. Under Section 2, subsection (3) of the Act of Incorporation 1882, “The University shall be a Body corporate by the name of the University of the Punjab having perpetual succession and a common seal, with power to acquire and hold property, movable or immovable to transfer the same, to contract and to do all other things necessary for the purposes of its constituents.” But under section 9(1) and (2) of the Senate consisting of the Chancellor, the Vice-Chancellor and Fellows shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall provide for that management and exercise that superintendence,

in accordance with the Statutes (Rules and Regulations for the time being in force).

Thus the Senate having resolved on the partition of the properties of the University which are legally vested in it and of which it has complete control, can put this resolution, as soon as it is approved by the Chancellor, i.e. the Governor of the Punjab for the time being, into operation and can give effect to it without any further statutory approval.

However, as Education is a Provincial subject under item No.7, paragraph II of the Schedule VII to the Government of India Act of 1935, the approval of this action may be sought from the Provincial legislature i.e. the Governor at the present moment.

VIII. In conclusion reference must be made to wide powers which have been vested in the Governor and the Governor General under section 9 of the India Independence Act of 1947. By section 9(2) of the said Act the Governor in the exercise of his individual judgement may make such provision as appears to him necessary or expedient in relation to the province.

It is earnestly contended that it is both necessary and expedient that the assets of the Punjab University should be divided justly and equitably between the two parts of the Province of the Punjab in order not only to fulfil an urgent necessity for advanced education in the two provinces, but also in fulfilment of the intention and purposes with which the Punjab University was created; namely, the benefit of all classes and sections of the whole of the Province of the Punjab and not of any particular portion of it.

The assets of the Punjab University as they stand at present have been created by the Joint efforts of the people of the entire province who now because of political developments stand divided in two. Each one of these has legal and moral right to the property now vested in the University of Punjab.

Sd/- M.G. Singh

Registrar (Examinations)

Decision

His Excellency the Governor agreed to circulate a draft note for reference to the Centre.

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REFUGEE PROBLEM

**Minutes of the Thirteenth Meeting of the Partition Council
held on Saturday, the 2nd August, 1947**

*Partition Proceedings Vol.IV p. 356
Case No. PC/112/13/47*

The Hon'ble Sardar Vallabhbhai Patel said that it was necessary to examine the position of refugees at present being cared for in camps in Tonk, Wah and Rawalpindi etc.

These camps would shortly be closed down and it was the duty of the Pakistan Government to take over the responsibility for the refugees who had no means and no homes to which to return. Indian Government had already assumed the responsibility for refugees in accordance with the decision of the Interim Government, to see to the provision of food, clothing and shelter etc. for them.

After a brief discussion, it was agreed that a statement on action required (a) for the safeguarding of the property and other interests of the refugees and (b) for the relief of refugees should be prepared by the Steering Committee for consideration by the Partition Council.

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Report of Mr. Justice Meher Chand Mahajan (August 3, 1947)

Partition Proceedings Vol. VI p. 162-192.

This Commission has been constituted to divide a Province which is really incapable of a satisfactory division. Those who made the present day Punjab never imagined that a situation would arise when it would have to be split into two parts. But, however difficult the task may be, it has to be done. It is certain that however honestly and conscientiously the border is demarcated, for the time being it will not give satisfaction to any of the communities concerned, though it may eventually lead to the contentment and happiness of them all and the individuals residing in East Punjab and West Punjab.

The major parties to this dispute have claimed the maximum area that they could possibly do for their respective Provinces on any interpretation of the terms of reference most favourable to them. These claims are supported by several associations having a common interest with them and by a number of individuals who have submitted memoranda to the Commission. The two States of Bahawalpur and Bikaner have also supported the claim of the community to which the rulers of these States belong though on grounds affecting their own States. It has been contended by these States that if the headworks of the Ferozepur canal which irrigates their respective States are included in the Province of the community to which the rulers belong, it would safeguard their rights in that work.

The claims put forward can be stated in the form of the following issues:-

- (1) Whether on the terms of reference, the Muslims are entitled to claim for Western Punjab, besides the 17 districts (minus a part of the Pathankot tehsil) allotted to it in the notional division, the following areas:-

- (a) Ajnala Tehsil of the Amritsar District.
- (b) Majitha Zail of the Amritsar Tehsil of the same District.
- (c) Portions of Fazilka and Muktsar Tehsils of the Ferozepore Districts.
- (d) Zira and Ferozepore Tehsils of the Ferozepore district (excepting the Nathana sub-Tehsil which is not claimed).

- (e) Jullundur and Nakodar Tehsils of the Jullundur district.
 - (f) Part of Dasuya and Hoshiarpur Tehsils of Hoshiarpur District.
 - (g) The area along both banks of the Sutlej, upto and including and town of Rupar and ending on the boundary between the Punjab and Nalagarh State, including the town of Ludhiana (Part of various tehsils of different districts including the district of Ambala are also claimed).
- (2) Whether any reasonable grounds exist for splitting up the Pathankot Tehsil which is admittedly a non-Muslim area?
 - (3) Whether the Amritsar and Tarn Taran Tehsil of the Amritsar district constitute a non-Muslim pocket in a Muslim majority area and therefore, should be included in the Province of West Punjab.
(Under these issues the point to decide would be whether 19-1/2 districts should go to West Punjab and East Punjab should consist of 10-1/2 districts, and if so, whether on this basis a just and equitable boundary line can be drawn between two sovereign States)?
 - (4) Whether on the terms of reference non-Muslims are entitled to claim for East Punjab the following areas over and above the 12 districts allotted to it in the notional division and whether on this basis a just and equitable frontier can be delimited separating the two Provinces:-

- (a) The whole of the Gurdaspur District.
- (b) Lahore District including the city of Lahore.
- (c) Lyallpur District
- (d) Sheikhupura district.
- (e) Montgomery district.
- (f) Sialkot district.
- (g) Gujranwala district.
- (h) Parts of Multan district.

This claim means the addition of seven districts in East Punjab, reducing the West Punjab to 10 districts.

- (5) If neither of these claims can be held valid, partially or wholly, what is the proper boundary line between East Punjab and West Punjab, keeping in view the terms of reference of the Commission?

Before deciding these points it is necessary to apprehend clearly the scope of the reference. It seems to me that those responsible for the draft of the reference left the matter of demarcating the boundary entirely to the discretion of the Commission, subject of course to the direction that the primary consideration on which the Commission is to proceed is to ascertain the contiguous majority areas of Muslims and non-Muslims. In other words, the Commission was instructed to keep in the forefront the communal population consideration, but it was also told in clear terms that in demarcating the boundary it may take into account other factors. In other words, its discretion in making the delimitation was not necessarily limited to majority population consideration. The question what those other

factors would be was left open, obviously for the reason that these factors are bound to carry according to the facts disclosed in regard to each area. The view that I have expressed about the terms of the reference finds support in the speech made by the Under Secretary of the State for India in the House of Commons on the 14th of July, 1947. He said that "the primary basis of demarcation must be majority of population. In certain cases there may be factors which justify departure from that Principle." In other factors justify it. This interpretation has been vehemently contested by the learned counsel for the Muslim League. I shall deal with his contention and give my reasons for not accepting it in a later portion of this opinion.

Having stated what I consider is the meaning of the terms of reference, the circumstances under which it was made may now be briefly mentioned. The Muslims of India having arrived at the decision that in order to protect their culture and other interests a separate homeland for them should be found within the Sub-Continent of India, a claim was put forward that contiguous Muslim areas as are situated in the north-west of this sub-Continent should be demarcated and given to them as a sovereign state. This demand was eventually accepted by His Majesty's Government in the statement of June the 3rd 1947. It was decided to partition the sub-Continent of India into two dominions namely the Dominion of India and the Dominion of Pakistan. It was also decided to partition the two Provinces of the Punjab and Bengal. In paragraph 9 of the statement it was provided that the members of the Legislative Assemblies of Bengal and the Punjab would sit in two parts according to Muslim majority districts and non-Muslim majority districts as laid down in the Appendix to the statement and that in these sittings they would decide whether they would remain united or divide the Provinces of the Punjab and Bengal, and if so, with what Dominion they would seek affiliation. It was pointed out that this notional division for the limited purpose of ascertaining the above matters was a "preliminary stage of a purely temporary character"; that for the purpose of a final partition of these Provinces a detailed investigation of the boundary question will be needed and as soon as the decision involving partition had been taken for either Province, a boundary Commission would be set up by the Governor General, the membership and the terms of the reference of which would be settled in consultation with those concerned; that the Commission would be instructed to demarcate, the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and that it would also be instructed to take into account other factors. The words used in the statement are "contiguous areas of Muslims and non-Muslims". So far as I understand them no particular unit, administrative or otherwise was in the minds of the authors of the statement for the purpose of determining contiguous majority areas of Muslims and non-Muslims. It was considered that two blocks of contiguous areas had to be demarcated and that one block should be such in which the Muslims are in a majority and the other in which there is a non-Muslim majority. I do not think it was intended that these blocks had to be carved out by discovering various tongues and pockets of Muslims or non-Muslims and by attempting to make them contiguous on the slightest possible ground. The whole matter of the area had to be considered broadly. I am convinced that it is possible for an ingenious Muslim to make the whole of Punjab a contiguous Muslim majority area by adopting a certain line and similarly it is possible for ingenious non-Muslims to make the Province of the Punjab right up to the River Jhelum a non-Muslim area by adopting another line. He may go up even to the city of Rawalpindi. In my view, contiguous areas of substantial size have to be put into two blocks

and demarcated by a boundary line which will be a workable line from all points of view, ignoring all wedges and salients of one community or the other running into these two blocks, even if on the grounds of contiguity and majority, technically speaking, these aliens can fall in one or the other part.

The terms of reference to the Commission are worded as follows:--

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Province on the basis of ascertaining contiguous majority areas of Muslims and non-Muslims. In doing so they would take into account other factors”. Emphasis was laid during arguments on the words “in doing so”. To my mind these words present no difficulty, they only mean that in demarcating the boundary the Commission will also take into account other factors beside the population majority factor which no doubt is the primary factor.

On the 3rd of June, 1947, contemporaneous with the statement of His Majesty's Government His Excellency the Viceroy made a broadcast in which he said that the boundaries will be settled by a Boundary Commission and will not be identical with those now settled. As regards the position of the Sikhs His Excellency said he had given thought to the matter and that in partition they would be inevitably divided but the exact degree of split will be left to the Boundary Commission. The following quotation from his broadcast may be given in extenso:--

There are two main parts to this plan - The Congress and the Muslim League, but another community much less numerous but of great importance - the Sikh community have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was, therefore, on that Resolution, which the Sikhs themselves sponsored, that this division has been provided for, I was not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh population under the proposal, I must say that I was astounded to find the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of the parties, so far as it is humanly possible there will be no interference or dictation by the British Government.

On the 4th June, 1947, the Viceroy attended a press Conference. In this conference, one of the question put to His Excellency was:--

“How to keep the integrity of the Sikh Community intact? What is the provision that you have made in this plan to keep integrity of the Sikh people intact?”

Ans “I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the resolution in the form they wanted. They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs. I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician, I am an ordinary human being I believe that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision on any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition.”

In the same Press Conference it was said by His Excellency:

“Apart from the two main parties, the Congress and the Muslim League, there was another community, not numerous but of great importance namely the Sikh community, which had to be consulted.

He sent for a map with the population of the Sikhs marked and he was astounded to find that the plan which they had produced would divide the Sikh community into almost two equal halves. So he spent a great deal of time finding out a solution which would keep the Sikh community together. He had not been able to see any solution but whatever step was taken was based on the Congress resolution on the subject, which he pointed out, was passed at the insistence of the Sikhs. He said he hoped that the leaders of the respective communities would appoint a Committee to draw up the terms of reference of the Boundary Commission which should have representatives of the interested parties on it. So far as it was humanly possible there would be no interference let alone dictation from any British Official.”

Another question put to His Excellency was in the following terms:-

“In your broadcast yesterday you had said the ultimate boundaries of the partitioned Provinces would be almost certainly not identical with those which have been provisionally adopted why?”

Ans For the simple reasons that in the district of Gurdaspur in the Punjab the population ratio is 50.4 per cent Muslims and 49.6 non-Muslims. The difference is .8 per cent. You will see at once it is unlikely that the Boundary Commission will place the whole of the district in the Muslim majority area. Similarly in a district in Bengal the reverse is the case. It has a very small fraction of non-Muslim majority I shall be astounded if the Boundary Commission places the whole of that district in the non-Muslim area. The point is we have taken the districts for one purpose only. It was the only simple

way by which you can divide the number of members for each of the Legislatures. I do not want inhabitants of those districts to assume it as a foregone conclusion that they would be going into an area in which their community is not in a majority.

It is obvious from the above quotations that what has to be demarcated by the Boundary Commission is predominantly Muslim areas and that a bare majority of Muslims or non-Muslims in any area may well be ignored in view of other factors, in order to avoid a boundary line which may run in a zigzag shape like the claws of a crab or which may be indefensible on strategical grounds. It has been very aptly pointed out in the Muslim League memoranda that "the boundary should be a workable and practicable boundary from the point of view of administration and should be capable of fulfilling the functions of a boundary between two neighbouring States. It should not be a crazy line running backwards and forwards over the areas of several districts and in and out of every villages in those districts so as to result not in the separation of two parts of Province which might each be constituted into a Province, but into a nightmare tapestry of a futurist design. The Congress and the Sikhs fully subscribed to this view.

Having stated my views about the scope of the reference, I now proceed to examine the contentions raised by Sir Mohammad Zafarullah Khan and give my reasons for not agreeing with them.

In a forceful argument the learned counsel urged that partition must be made on the population factor alone and that the scope of the words "in doing so the Commission will also take into account other factors" was limited to taking into account local factor only, but that such factors cannot override the primary principle of division, namely the population basis. It was stressed that the only principle on which the partition was agreed upon by the parties, and was accepted by His Majesty's Government was based on the principle of non-coercion enunciated by the Congress, namely that large areas in which there was a substantial preponderant population of one community could not be coerced to live in an area in which the other community had majority. It was said that the economic factor urged by the counsel for the Congress and for the Sikhs overlooked this point and was contrary to the interpretation that His Excellency the Viceroy placed on the wording of paragraph 9 of His Majesty's statement of the 3rd of June, 1947, which statement in substance employed the same phraseology as was contained in the terms of reference. Reference was made to the words used by His Excellency in the broadcast of the 3rd of June, 1947, in which mention was made of the principle that there was no question of coercing any large areas in which one community had a majority to live against their will under a Government in which another community had a majority and that this principle could not justify taking to account of economic, agricultural, industrial and commercial considerations or the factor of maintaining the integrity of the Sikhs. It was emphasised that if this attitude had been taken by the Congress or the Sikhs, the Muslim League would never have agreed and that if these factors were to be taken into considerations, the whole of the Punjab might have been allotted to the Indian Dominion. Next, reference was made to the paragraph dealing with the partition of the Punjab. It was demanded by the Congress at the instance of Sikh community. It was said in the resolution that the partition of India necessitates the division of the Punjab into two provinces so that the predominantly Muslim part be separated from the predominantly non-Muslim part. In other words, the population factor

was put in the forefront and any area in which one community has predominance over the other could not be kept in one or the other Dominion as the case may be. It was observed that in the broadcast His Excellency reviewed the Sikh position and noticed that they were equally divided as a result of their own request and that he was unable in spite of his best efforts to solve this problem. In view of these observations the point was made that if the phrase "other factors" contained in paragraph 9 of His Majesty's statement of the 3rd June, 1947, intended to include the factor of the integrity of the Sikhs then His Excellency need not have been shocked or surprised and he could have easily said that the matter can be solved by the Boundary Commission, and His Excellency need not have expressed any regret. In my opinion these contentions do not in any way affect the interpretation that I have placed on the terms of reference. My reasons are these:-

- (1) The population factor undoubtedly is the main factor in the division, but I cannot agree that in no circumstances can it be overridden. Suppose, for instance, that the boundary on this basis cannot be laid satisfactorily in view of strategical grounds or because of the situation of the headworks of a canal, this factor shall have to be overridden. The Muslim League themselves have suggested that in the Pathankot Tehsil the majority factor be ignored owing to the situation of the headworks of the canal. We are told that before the Bengal Boundary Commission the Muslim is claiming predominantly non-Muslim areas on the ground of economic factors.
- (2) Whether any other factors, including the factor of the integrity of the Sikhs, will override the population factor, will, in any case, depend on the circumstances of each area. Suppose, for instance, the population is not predominant but there is a meagre majority of one community over the other. Such a case cannot fall within the resolution of the Congress which was sponsored by them at the instance of the Sikhs and which was agreed to by the Muslim League. That resolution clearly said "any areas in which there is predominance of the one community over the other." Those words cannot include cases of meagre or bare majorities in the population. In those cases other factors may override the population factor. A nominal majority was not the majority contemplated in any of the statements that have been placed on the record. The words used there are "substantial areas" and "substantial population" or "pre-dominant population." The only question to decide is whether any large areas are left in which one community has predominant majority over the other under the rule of other community.
- (3) His Excellency the Viceroy never gave any exhaustive definition of the phrase "other factors" in any of his statements or speeches.
- (4) Whatever His Excellency said about the Sikhs was said before the terms of reference were finally settled and strictly speaking it is not relevant when the Commission is called upon to interpret the terms. That interpretation is not binding on the Commission, on the same line of argument that was adopted by the learned counsel that the interpretation of the terms of reference after they had been accepted by the Under Secretary of State at the committee stage of the India Bill in the House of Commons was not relevant. In my opinion, strictly speaking, neither the interpretation of the Under Secretary nor the interpretation of His Excellency the Viceroy about the terms of reference is relevant. It is, however, open for the members of the Commission to

place their own interpretation and then say that their interpretation is the same as was put by either of these high personages.

- (5) If the population factor was really the sole basis of division, I do not see what necessity there was of employing the phrase "in doing so the Commission will take into account other factors." It seems to me that both parties who were represented in the Committee to settle the terms of reference kept a mental reservation. The Muslim League did not at that stage say that other factors should be defined and it should be clearly stated that these can in no case override the population factor but that they are only intended to be contained in the terms of reference for settling locally the boundary. Had they raised that point, possibly the Congress or the Sikhs may not have agreed. Similarly the Congress and the Sikhs did not give any definition of the words "other factors" by clearly including in them the case of the integrity of the Sikh community or other economic factors now mentioned by them, as obviously the League would not have agreed to their inclusion in the terms of reference. The result was that phraseology was employed which could later on interpret in the manner most convenient to their contentions.
- (6) Construed according to ordinary canons of interpretation, the phraseology in the reference cannot lead to the meaning that in demarcating the boundary the Commission cannot take into account other factors and that it is bound to give effect to the population factor and can never ignore it. The reference only says, "ascertain the populations and then proceed to demarcate the boundary after that ascertainment has been done, by taking into account other factors as well." I cannot read in this phraseology that other factors mean merely local and subsidiary factors.
- (7) Whatever His Excellency the Viceroy said was merely in the shape of an explanatory note to His Majesty's statement of the 3rd of June. His attention was not directed to an exhaustive enunciation of the meaning of paragraph 9 of the same.
- (8) In considering the line of demarcation it must be borne in mind that no ethnic and linguistic differences really divide the people of the Punjab from one another. The factor of religion must, in the light of history in Europe, be regarded as an unfortunate incident in all probability of a temporary nature. With the spread of modern ideas, this factor will recede into the background and other factors economic and ideologic will tend more and more supersede it as governing factors in the life of the State. If this is so, and there seems no good reason to doubt it, far greater importance must be attached to "other factors" in the final definition of the boundary, even though for the present the population basis, based on the religious factor, must be given predominance.

In demarcating the boundary line it has to be predominantly borne in mind that the partition is being done on the basis of communal and religious considerations. The Western Punjab is to be a part of the Pakistan Dominion, a Muslim State, and for the time being there is no love lost between the Muslims on the one side and the Sikhs and the Hindus on the other. The historical background shows antagonism between them and the recent events in the various Provinces of India, and particularly in the Punjab, have demonstrated that they are willing to fly at one another like wild beasts and, in some cases, even in worse manner than those beasts. If any doubt existed on the point, the lengthy address of the counsel for the

League on this point amply proves it. It is immaterial which party was blameworthy in the matter. Any boundary line between the provinces which have to be carved out for such parties cannot ignore this state of feeling between the two communities. The line must be one which avoids frequent and daily border incidents resulting in communal fights and reduces the contact between the two to a minimum. It should again be one which is capable of being defended on either side conveniently and at the least possible cost. In other words the line should not be such as would lead to the construction of numerous cantonments and army stations. Any line which projects from one area into another with slight gain to one side or the other cannot be justified. Its length should be reduced to the minimum between the two parts and, if possible, it should follow a natural boundary either of a river or of a hill or some other natural configuration.

What meaning has to be given to the phrase "other factors" can be deduced from the reports of the Peace Conference that was held after the First World War. This phrase "other factors" employed in the instructions to the Boundary Commission that was to demarcate the boundaries of the new States that were formed after that war. The means of communication of inhabitants to their accustomed markets and their economic exigencies, historical associations and vital strategical considerations were considered to be included in the phrase. At page 913 of David Lloyd George's book on "*Peace Treaties*" the following quotation occurs:-

"To establish boundaries between rival claimants the Commission has to decide on the amount of air space, and freedom necessary to the life of the new peoples. Ethnological considerations have to be considered in the light of the economic exigencies, historical associations and vital strategic considerations. Some frontiers which were ethnically indefensible provided the natural military defence for the protection of a country against potential invaders. In other market facilities for transport by rail or river interfered with the rigid application of the racial factor. Ethnological considerations may be indefinite and inconclusive in certain cases."

In inland boundaries it is relevant sometimes to take into consideration that the boundaries laid down would encourage transfer of population from one side to another and thus bring about equilibrium in the populations of various races. In cases where the populations are mixed, economic and strategical reasons must be given weight.

From the book "*Boundaries in Europe and the Near East*" by Sir Thomas Holdich, published in the year 1918, the following relevant quotations may be reproduced:-

"The first principle is the obvious necessity for dividing self-governing states or nations into separate geographical units in such manner as to set definite and scientific barriers between countries liable to mutual aggression. The next is to give to each individual country space and opportunity for internal development such as may remove all incentive for discontent and desire for encroachment on other preserves."

“The first is undoubtedly space. There must be room enough for development on the lines best suited to the character and strength of the people if they are to remain contented and happy. . . . Space, then, is the first condition of success in international territorial space for fair development.”

“Finally it is beyond question important that boundaries should be well defined, that they should be difficult to violate and as strongly defensive in character as nature or art can make them, the chance of active being almost in exact proportion with the facility for carrying it out.”

“The first great necessity for a newly organized self-governing state is a defined frontier and a boundary line which will not only set a limit to its territorial extension, but will protect it as far as possible from aggression. The boundary which is to be visible sign of international separation will be of little value unless it is scientifically adjusted to the political, military and economic needs of the country concerned.”

From another book called *“Political Frontiers and Boundary Making”* by the same author two quotations may be cited:-

“Boundaries must be barriers. If not geographical and natural then they must be artificial and strong as military device can make them.”

“There are many sorts of frontiers and boundries, but those which have through all ages proved effective are undoubtedly those which are best secured by strong natural geographical features.”

In India this matter was considered in the report of the Orissa Committee which was instructed to demarcate the boundary of the new Province of Orissa in the year 1931. The Province had to be delimited on linguistic consideration, but in doing the Committee took into consideration administrative convenience and economic and geographical consideration, etc.

Having regard to the principles enunciated in the above quotations the question is what other factors can be properly considered by the Commission in the present instance. I am of the opinion that the Commission will have to take into consideration historical associations of the various communities residing in different tracts, economic life of these people and their economic stability, the geographical situation of the various tracts, the factor of the lines of communication, markets, etc., and the extent of their economic interests in the lands of the different tracts and, most important of all, strategical consideration. Where ethnological consideration is indefinite and inconclusive, these other factors, if predominant, will override it. In the peculiar position of the Province of the Punjab, the position of the Sikh community is a very important factor. It is not at all a moot point and is not seriously disputed even in the Muslim League memoranda that the Sikhs are an important community in the Province and have special interests here. That the Central Punjab is their homeland is a matter which has been admitted in all historical documents written during the last hundred years. That their main occupation is agriculture and military

service, again, is not a matter which requires any discussion. It is plain that by the notional division their population has been split in almost equal halves in the two sovereign States of India and Pakistan. According to this Division, about 21 lacs of Sikhs are in the Eastern Punjab and about 16 lacs in the Western Punjab. Any boundary to be satisfactory, should at least be such as does not keep this population either side of this line equally divided, and, if possible, their desire to be consolidated as much as possible in the Eastern Punjab should be kept in view in marking out the boundary. In my opinion it is in the interests of peace and good government of both the parts that the split in the community is reduced to the minimum. They will then be able to safeguard their religion and culture and will develop as a community in one Province. I do not think it is seriously disputed even by the Muslim League that administrative convenience, geographical situations, the integrity of canal systems and economic consideration are factors for consideration by the Boundary Commission, and that, so far as possible, the boundary should be such as avoids inter-statal and daily skirmishes and that it should be one which does not economically jeopardize the life of those residing in one part or the other and contributes to the economic stability of both the Provinces. I have already pointed out the instance of Upper Bari Doab canal in which the League themselves have overridden the population factor. I fully sympathize with the Sikh demand for a homeland in the Central Punjab, if it can be found for them within the terms of the reference. The districts of Gurdaspur, Amritsar and Lahore have been described by several writers as the "home districts" of the Sikhs. They are mostly found in the two divisions of Jullundur, Lahore and owing to the colony policy of the Government a substantial number of them are found in the colony areas. A community may claim a homeland even if its population is small as compared to the other people residing in certain regions. If I may say, their claim for a homeland can only be raised as regards the tract of Majha which is said to be their home with their religious metropolis in Amritsar. Of course the Sikh claim is that the whole tract from Beas to Chenab is the original Sikh land or the country of Baba Nanak and the cradle of their faith and the nursery of chivalry of the followers of the Gurus. This feature is a special feature of this Province and cannot be ignored in the delimitation of the boundary. It has been pertinently pointed out that the Sikh soldiers and non-Muslim soldiers who had been promised grant of land owing to war service, will not be able to get what they have been promised if the Province of the Eastern Punjab gets no colony lands, it being admitted that the whole of the unallotted area in the colony lands which is considerably over 18 lacs of acres is situated at present in the Province of the West Punjab.

It may also be observed that the area of the Province to be divided according to survey figures is 99,000 square miles though according to papers it is 91,000 odd square miles. In partitioning this huge area into two parts, In my opinion, it will not be proper to take into consideration small areas of 50 or 100 square miles on the strict theory of contiguity of Muslim or non-Muslim population. Similarly nominal contiguities will have to be ignored and unless the areas are substantially contiguous to one another, they will have to be left out of consideration. If these small matters are taken into consideration, it will lead to the creation of numerous wedges and tongues in the area of either zone and this will be repugnant to all the principles on which a boundary between two sovereign states has to be demarcated.

Before proceeding to examine each item of the claim made by the major parties, I would like to point out that on a fair and just view of the whole matter, the dispute between

the contestants should have been narrowed down to the central districts of the Punjab. The two divisions of Ambala and Jullundur in the east have admittedly a preponderant non-Muslim majority. In both these divisions is over 65 per cent of the total population. One of these tracts is situated between the rivers Jumna and Sutlej and the other between the Sutlej and the Beas. The population of each tract is more or less homogeneous. Beyond the Sutlej the language is different and social customs and habits are different. In the Doab between Sutlej and the Beas, the people residing in the districts in that Doab are knit up together by all kinds of ties. Their social life is the same; their economic life is knit together; their markets are common; the communications are intermixed and in all manners they are the same people. The non-Muslims' interest in the commercial, economic and industrial life of these tracts as well as in the agricultural life is predominant, and therefore, they are predominantly non-Muslim areas. Similarly the two divisions in the west, Rawalpindi and Multan, should have been entirely left out of the contest. In those two divisions the Muslim population is predominant and the population majority factor cannot be overridden by other considerations, though the non-Muslims have considerable economic interests in those areas both commercially and industrially and from the agricultural point of view. But as the dispute is raised even as regards parts of these divisions, the matter will have to be decided.

I propose now to look at the picture of the Province in the light of the view set out above. As I have already said, in doing I can attach no importance merely to administrative units of the Province, whether big or small. These units were carved out for administrative convenience on a purely artificial basis. The areas of these administrative units have been lumped together without any regard to their natural geographical situation or their homogeneous nature. Take for instance, Ferozepore Tehsil of that district as an administrative unit. A part of it is situated beyond the Faridkot State and there is no contiguity with the main area of the tehsil. The tehsil does not form one compact area for geographically its two portions have anything in common. The matter has been considered from a purely administrative point of view. The same remarks apply to parts of the Gurdaspur Tehsil and parts of the Pathankot Tehsil beyond the river Ravi. Instances of this nature can be multiplied to establish the fact that administrative units are not areas which can satisfactorily be considered for the purpose of ascertaining contiguous majority areas of Muslims and non-Muslims. The parties themselves seem to be labouring under this difficulty and they have adopted a zail, a thana, or even a group of a new villages in a zail, as a unit as it best suited the claim that they were making. This matter is aptly illustrated by the plans annexed with the memorandum of the Ahmadiya Community. The contiguous Muslim majority areas and non-Muslim majority areas vary according to the administrative unit that is adopted for ascertaining the basis of population. A very interesting illustration is furnished by the Muslim League claim for a part of the Fazilka Tehsil. In this Tehsil Muslims are 43 per cent of population, but the League has split the area of the tehsil in such a manner that in one part of it their population becomes 75 per cent. The Congress can easily meet this case by proceeding on the same line of reasoning and convert considerable portions of the area of Muslim majority tehsils into non-Muslim majority. In my opinion, it will be highly unsatisfactory to decide the question of boundaries between two sovereign States on the basis of these artificial units. The areas to be considered should be substantial areas knit together wither by reason of their geographical situation or by reason of any economic connection such as a canal system or some other factor which leads to the homogeneity of

that area just like the common market facilities or other economic rights. Paragraph 13 of His Majesty's Government of 3rd June, 1947, furnishes some guide to this. The district of Sylhet has a Muslim majority, but on this ground alone, it was not assigned to East Bengal. Even after a referendum had been taken, only those parts of Sylhet where there was a Muslim majority in contiguity were to go to East Bengal, along with parts of any other non-Muslim contiguous districts answering the same description.

If the Commission decides to proceed on the theory of units, the only real unit which provides test of contiguity on the spot is the village and if a map of the central districts of the Province, with Muslim and non-Muslim villages marked, is prepared, it will give quite a different picture of these districts than is asserted by the respective parties. It will show that the Muslim and non-Muslim populations are mixed and there are no defined areas which would be ascertained and marked as majority contiguous areas Muslims or non-Muslims. Here and there a cluster of Muslim or non-Muslim villages can be located, but the rest of the area will show an inter-mixture without any contiguity. The point may be illustrated by the interesting case of Batala Tehsil. In this tehsil, there is an excess of 31,000 Muslims over the non-Muslims, but the whole of this surplus with some further additions to it can be located in the town of Batala and Qudian with their suburbs and in the zail of Fatehgarh Churian. Excluding this area, the rest of the Tehsil becomes non-Muslim majority area, though the villages of both communities even in that area are intermixed. Fazilka is another interesting instance, and there are many more. I have already said that with varying units different results can be obtained. An analogous case (5) that of Jullundur Tehsil claimed by the Muslim League. There again, if the town of Jullundur and its bastis are excluded from consideration, the rest of the Tehsil will show a non-Muslim majority. Therefore, if we proceed on the village basis, the conclusion is inevitably that in these districts it is not possible for the Commission to ascertain with any certainty two blocks, one Muslim and the other non-Muslim, which can be described as contiguous majority areas of these communities. On the other, it will have to be held that there are no well-ascertained areas which can fall in that description, but the populations are mixed and, therefore, the primary test laid down in the reference has no application to the case of these districts and their fate must be decided on other factors. If other factors are considered, they are predominantly in favour of the non-Muslims.

The Muslim League have based their claim on the assumption that tehsil is the proper unit in ascertaining contiguous areas of Muslims and non-Muslims, as it best suits their case. In my opinion, this assumption is unsound. Collection of villages of a community in a tehsil is not necessarily contiguity in the whole tehsil. Zail maps of certain tehsils were prepared at my instance by the Financial Commissioner to demonstrate the view that I am taking. The population of villages in each zail in a tehsil is given according to 1941 census. The matter may be explained by reference to the case of Ferozepore, Zira, Nakodar and Julundur Tehsils. It was contended about these Tehsils that in these Tehsils there exist Muslim majority areas in contiguity with one another. If the zail maps of these tehsils are placed in contiguity, the result is different. It will appear that the part of Ferozepore that is contiguous to Zira is non-Muslim majority area. Same is the case with the part of Zira contiguous to Ferozepore. Similar result appears in the case of contiguity of Zira to Nakodar and Nakodar to Jullundur. It seems that the populations of these tehsils are concentrated in belts; riverain belt is the Muslim belt. In these circumstances, an artificial unit like a tehsil cannot be

accepted to decide the fate of communities. The geographical situation of the area is the best test. It could legitimately be claimed by the Muslim League that the riverain tract of certain tehsils is a Muslim majority tract and if they can establish its contiguity and can satisfy that a proper border can be laid down there, the point be worth investigation. The unit must be either economically knit together or in any other manner, to make it one homogeneous area. Tehsil is certainly not such an area. It is artificially demarcated for the purpose of collecting revenue. The case can further be illustrated by the zail map of the Sheikhpur Tehsil; the contiguous central belt in the whole tehsil is non-Muslim, while on both sides of this belt is Muslim majority.

In view of the principles enunciated above, the area of the Ambala Division and the part of Jullundur Division beyond the Sutlej, taken as a whole, is one geographically contiguous area in which there is a predominance of non-Muslims in population. Beyond Ludhiana linguistically, economically, commercially and industrially the area is well knit together. There is a portion of the Jullundur Division adjoining the riverain tract of the Sutlej and the Beas in which a sort of a rough semi-circle there is a Muslim majority area. To this area claim has been put forward by the Muslim League and will be considered in detail later on. But in my opinion on broad view of the situation this claim cannot be sustained as it created a salient in a projection a non-Muslim majority area. It even proceeds through a number of Indian States. The whole of this area does not represent any common geographical features and is not knit together by any common ties at all. It is merely joined together by some sort of unsubstantial contiguity. As I have said already, on this line of reasoning, non-Muslims can easily work out non-Muslim majority in admittedly Muslim majority areas and as a matter of fact during arguments this effort has been made and with considerable force.

Next comes the well known Doaba tract between the river Sutlej and the river Beas, familiarly known as the Bist Jullundur Doab. It includes the two districts of Hoshiarpur and Jullundur. This Doaba is geographically one area, well-knit together linguistically, socially, commercially and from the economic point of view. To divide the area into two sovereign States is an unthinkable proposition. In the whole of this area there is a substantial non-Muslim majority, though in certain zails and in certain parts of the tehsils there is certainly a Muslim majority. Take, for instance, the claim for the whole of the Jullundur Tehsil. If the town of Jullundur and certain bastis round about it are eliminated from the tehsil with one or two small pockets in the rest of the area of the tehsil the whole of the area is non-Muslim and the same remarks would apply to Nakodar Tehsil and other parts of the claim of the Muslim League in this Doaba tract. The non-Muslims in this have predominant commercial and industrial interests, and economically also they are in predominance in the matter of payment of taxes of all kinds and the matter of ownership of land and payment of land revenue. No workable satisfactory line of demarcation can be laid here. A part of this area is covered by the Kapurthala State. In my opinion the whole of the Doaba tract should be treated as one area and then determined whether the whole of this is a contiguous non-Muslim area or a contiguous to the non-Muslim population area. This tract on one side is contiguous to admittedly overwhelming non-Muslim population in the Kangra district. It is also contiguous to the non-Muslim majority parts of the Ambala Division. It is contiguous also to the Amritsar district, which is non-Muslim majority area and, therefore, the whole of it should go to Eastern Punjab. Zails and Tehsils cannot be considered to be

the areas for the purpose of the reference in this tract.

The next area geographically is one between the river Beas and river Sutlej on one side and the river Ravi on the other. It is divisible into three parts: (i) the tract between the Ravi and the Beas, (ii) the tract between the Ravi and the Sutlej covering the Lahore District and (iii) the tract between the Ravi and the Sutlej covering the districts of Montgomery and Multan. The two districts of Montgomery and Multan have really nothing in common with the upper parts of this tract, that is Gurdaspur and Amritsar districts. In respect of this tract here is one very strong and predominant factor which makes a considerable portion of the districts of Gurdaspur, Amritsar and Lahore as one unit and this common and predominant factor is the existence of the Upper Bari Doab Canal. The branches and distributaries of this canal have woven a spider's web over a substantial part of the area beginning from Madhopur, the headworks of the canal, to Chunian Tehsil in the Lahore district. In my opinion the area commanded by the Upper Bari Doab should be treated as a unit for the purposes of the reference and there are very strong and forceful grounds for doing so. The area commanded by this canal should not be split into two sovereign States as it will destroy the utility of the whole of the irrigation system under this canal. It will not only destroy the utility of the irrigation system, it will also affect the economic life of the people who get the benefit of this canal. The tract commanded by this canal up to Chunian is called *Majha* tract and beyond Chunian there are certain non-Muslim majority towns right up to Vihari which can be connected with this area. The *Majha* tract, in my opinion, is one area for the purposes of the reference and should be treated by the Commission as such. The whole of this tract has a non-Muslim majority and non-Muslim predominance from every point of view. This is the tract which has been described by historians and Settlement Officers as the "homeland of the Sikh Jats." The figures taken from the revenue papers of the persons who own land in this tract in the Gurdaspur district, in the Amritsar District or in the Lahore district clearly indicate that the non-Muslim own over two-thirds of the total area in the tract. They pay more than two-thirds of the total land revenue in this area and the number of the non-Muslim owners and occupancy tenants is more than the number of Muslim owners and occupancy tenants. This tract is the Sikhs peasant proprietors' tract and has been developed as a single unit along the Upper Bari Doab canal which is the life-line of the people of this tract.

The following statement gives the exact figures of land revenue, area owned and the number of owners and occupancy tenants in this tract.

The total revenue of the area in these three districts is Rs.55,23,439. The Sikhs pay Rs.32,31,591 and Muslims pay Rs.15,88,293 and others pay Rs.7,03,555. The total acreage cultivated in the three districts is 3,755,127 acres. Sikhs own 2,012,783 acres, Muslims own 1,24,807 acres and the total of non-Muslim is 2,630,320 acres. The total number of land owners and occupancy tenants in the three districts is 707,276, out of which Muslims are 315,100. The excess of non-Muslims over Muslims is 77,076. If occupancy tenants are excluded from consideration then the excess of non-Muslims over Muslims is 84,102. The statement of figures supplied by the Muslim League confirms the figures above mentioned.

The whole area is about 3,000 square miles and is marked on the plan produced by the Congress. It is one contiguous area with the non-Muslim majority population of the Pathankot Tehsil of the Gurdaspur district and the Kangra District. The total population of this tract of about 3,000 square miles is roughly speaking 2,264,338 and there is an excess of the non-Muslim population in this area of over 150,000. As I have said, this area, called

the *Majha*, has the following common features:-

- (a) Common irrigation system.
- (b) Homogeneous economic life.
- (c) It is a tract of peasant proprietors, predominantly Sikh.
- (d) It is the homeland of the Sikhs around which the whole history of the Sikh religion and their rise as a political power centres and it is in this area that a very large number of their holy shrines and historical monuments are situated.

The figures above mentioned can be worked out on the irrigation maps and the census figures of the various villages indicated on the irrigation maps. In my opinion the integrity of this area must be maintained and it cannot be split up into two sovereign States, and this tract, if it is treated as a unit and the remaining area of the districts of Gurdaspur, Amritsar and Lahore, excluding for the time being the city of Lahore and certain small Muslim majority pockets in this tract, must go to the Eastern Punjab. The area excluded will be separately dealt with. The learned counsel for the Muslim League did not deal with this tract as a unit because in his view the unit is a tehsil. He mentioned that in the population of three districts taken together there was an excess of 288,000 of Muslims. This fact was never disputed by any one. Out of 42 lacs population the Muslims have an excess up to the extent of that figure. But the claim on behalf of the Congress was limited to the area commanded by the Upper Bari Doab Canal which is about half the area of the three districts taken together. It was contended that in that area there was a non-Muslim surplus of about 161,000. In the rest of the area most of the excess of the Muslims over the non-Muslims was accounted for by the population of the town of Lahore and of a few other known areas.

A look at the Upper Bari Doab Canal map would show that Gurdaspur, Batala and Amritsar are in the central area traversed by the canal and cannot be separated from it. They are an integral part of that area, while Lahore proper is at one end of the divisional boundary line and is really not a part of the canal area. The walled city gets no benefit from the canal and even in the civil station it is only a few residents whose gardens get a supply of water from it. The predominant interest in the canal area is of land-owners and of occupancy-tenants and of those who pay the largest revenue and own the large acreage. Mere tenants-at-will have no interest in the canal water. Their tenure is at the mercy of the land-owners. If the area commanded by the Upper Bari Doab is treated as a unit, then it must be held that Lahore city is no part of this unit and has to be considered on its merits. According to the Muslim League the population of Muslims within the canal boundaries works out to 51.55 per cent, but this percentage is bound to go considerably below 50 if the excess Muslim population in the town of Lahore, which is considerable, is excluded from consideration. The landless people of Lahore cannot be considered if the unit is the irrigation system and those who pay revenue their number is included in the list of land-owners. This calculation of percentage seems to be erroneous. A table was put in (30/5) showing certain figures but no details were given. The Congress table gives details village wise. In the League table about 470,000 odd population of Batala Tehsil is included in Bari Doab Canal area. This seems obviously wrong, as most of the Tehsil is commanded by the canal.

Before proceeding to the next administrative division, it may be mentioned that according to map* No. 20 submitted by the Muslim League it is obvious that the population

of the Gurdaspur and Amritsar districts is a mixed population and there is really no contiguity of any Muslim population area which can be said to be their majority area. A look at the map shows that non-Muslims predominate in the area. The Commission has to ascertain contiguous majority areas of Muslims and non-Muslims. In other words, it has to ascertain areas and no populations, i.e., areas in which one community predominates over the other. In the tract of Gurdaspur, Batala and Amritsar it is not possible to ascertain any such contiguous area in which Muslims are in a majority and, therefore, on the ascertainment of these areas no decision can be given. The most prominent factor of the area including Gurdaspur is that non-Muslim owners and occupancy-tenants exceed Muslims by 72,000 odd. The land revenue paid by them is 66 per cent, while that paid by the Muslims is 33 per cent. The acreage is owned in the same ratio. The interest in the canal which is to be kept as one unit of the non-Muslims predominates. Sir Mohammad Zafarullah Khan argued that if all the three districts are taken together and tehsil is taken as unit, then there is a Muslim majority in the area. This cannot be denied. Including the city of Lahore, Muslims are certainly in majority in this area. But that is not the case of the non-Muslims. Their case was confined to the tract of 3,000 square miles commanded by the canal and called *Majha* tract. Considerable argument was addressed that if the whole Doaba between the Beas and the Ravi upto Multan was taken as one tract, the Muslims predominate. This undoubtedly so. But it is no one's case that the whole of it should be treated as one tract. There is no homogeneity in the area commanded by the Upper Bari Doab Canal and that commanded by the Lower Bari Doab Canal. The Lower Bari Doab takes its water from the Chenab through the Ravi at Balloki while the Upper Bari Doab Canal takes its water from the Ravi direct. The headworks of the former are in the West Punjab, while the headworks of the latter are at Modhopur, in a predominantly non-Muslim area. The Congress enlarged its claim by including in the *Majha* tract certain other parts of the three districts above mentioned and which are said to be contiguous non-Muslim majority areas. The population of this area goes up to 2,622,815. Detailed statement contains all relevant figures. Muslims in this whole area are 12,01,558 and non-Muslim 1,421,257. The plan along with the statement (if the area is surveyed villagewise) proves the claim. The claim starts with Pathankot Tehsil as a non-Muslim majority area at one end. As regards the next tehsil, namely Gurdaspur, according to the census figures the Muslims are in excess of non-Muslims by 14,177. It was urged that this Muslim excess was concentrated in one white pocket demarcated on the red plan and in this white pocket the population of the Muslims is 44,919 as against non-Muslim population of 20,224 and in this small area alone they are in excess by 24,695. Therefore, it is obvious that the Muslim population in the Gurdaspur Tehsil was concentrated in one small area and it could not be said that in the whole of the tehsil there was any contiguity of the Muslim majority. The next tehsil dealt with was Batala. In Batala again the Muslim population is concentrated in three localities, Fatehgarh, Churian, Batala town and suburbs and Qadian town. In these three places the Muslims are in excess of the non-Muslims by 51,235. The whole excess of Muslims over the non-Muslims in the whole of the tehsil of Batala is 31,501. It is therefore obvious that not only this excess in the whole tehsil but considerably more Muslim population is concentrated in these three localities and in the rest of the tehsil it cannot be said that there is any contiguous majority area of the Muslims. Therein the non-Muslims are in a majority by 12,374. In the Ajnala Tehsil as a whole the Muslims are in a majority of 44,829 over the non-Muslims, but within the red area the non-

Muslim excess is 4,762, as the Muslim population is concentrated in the riverain tract of Ajnala. Tarn Taran and Amritsar have admittedly an excess of non-Muslim population over the Muslims to the tune of 146,000. In the Lahore Tehsil though the Muslims are in excess by 215,790 as a whole, within the red area the non-Muslims exceed the Muslims by 6,705. In the same way in the red area in the Kasur Tehsil there is a non-Muslim excess of 11,591, though in the whole tehsil the Muslims are in a majority by 59,573. In Chunian Tehsil also, though in the whole Tehsil there is a Muslim excess of 85,706, within the red area there is an excess of non-Muslims of 1,100. It is in view of these figures that the portion marked red on the Congress plan is claimed for the East Punjab and it is said that this is a larger area than the *Majha* tract and this area there is no Muslim contiguous areas which can be assigned to the West Punjab.

- (e) A very important circumstance that conclusively leads to the conclusion that the area of the Upper Bari Doab Canal should be treated as one unit and should be kept in the Eastern Punjab is the fact that this canal was dug by the demobilized Sikh soldiers of the Sikh Government in year 1851 and the project was undertaken on political consideration with the sole purpose of settling these disbanded Sikh soldiers of the *Majha*. This fact has been historically established by the references mentioned in the address of the counsel for the Congress and the Sikhs. The canal was made by the Sikhs for the Sikhs and cannot, therefore, be handed over to the Pakistan Dominion, particularly as I have already stated, of the area commanded by this canal over 66 per cent, is owned by the Sikhs and their number both as landowners and occupancy-tenants is in excess of the number of Muslims and the population of this area is also predominantly non-Muslim.

Another very strong argument for keeping the area commanded by the Upper Bari Doab Canal in one Unit is that the water of this canal gives supply to the sacred tanks of the important shrines of the Sikhs, namely the Golden Temple of Amritsar, the Tarn Taran shrine, the Khadur Sahib shrine and various other shrines located in this area. As a matter of fact Maharaja Ranjit Singh dug a canal from the Ravi near Madhopur called Hansli for the purpose of supplying fresh water to these sacred shrines and its place was subsequently taken by the Upper Bari Doab Canal. The Hansli was converted into the Upper Bari Doab Canal and its water were spread over the *Majha* and were supplied to the sacred tanks of the Sikhs.

The Congress also put in a plan connecting this predominant area with other non-Muslim areas upto the Tehsil of Mailsi in the district of Multan. This total area when added to the area commanded by the Upper Bari Doab Canal becomes about 5,200 square miles and there is an excess of the non-Muslim population in the neighbourhood of 235,500, out of a total population of this red area of 3,092,298 as shown by the note produced by Mr. Setalvad. It cannot be doubted that in this area there are Muslim villages and the Muslim population is considerable and the plan has been prepared on the basis of carving out only areas of these villages or those parts of a tehsil or the whole tehsil by excluding certain groups or cities or villages in which the Muslims preponderate. In this they have followed the method adopted by the Muslim League in the Doaba tract and the Sutlej tract. Majorities can be converted into minorities and vice versa by the method adopted. At the present stage

I am only confining my opinion to the area commanded by the Upper Bari Doab Canal or contiguous to it. Ignoring the administrative units and taking into consideration the canal system, there is unity in this area, as I have already said, administrative convenience is no guide for determining areas of contiguous Muslim and non-Muslim majority population under the reference.

At this stage the claim made on behalf of the Muslim League regarding the part of the Pathankot Tehsil in which the headworks of the Upper Bari Doab Canal are situated may be considered. A bare majority of landless persons cannot be considered in the management of the headworks of a canal. The benefit from the waters of a canal is only derived by the land-owners and must be managed by those who own a predominant area on that canal and pay the maximum of land revenue and should not be entrusted to those whose interest in the canal is less than one-third. It is true that the number of Muslim land-owners and occupancy tenants though smaller than the number of non-Muslims is not in the ratio of 1/3 and 2/3, yet this number cannot be considered when the benefit or the interest in the canal has to be determined. Water is distributed on acreage basis the Muslims own one-third of the area commanded by this canal and, therefore, their interest is only one-third in the waters of this canal and they cannot claim that they are entitled to manage the headworks of the canal.

It is interesting to observe that the Muslim League, while claiming Madhopur headworks, have drawn their boundary in the Tehsil of Pathankot so as to include a large part of that tehsil, including the town of Pathankot, which is at a considerable distance from the headworks and the canal itself. No explanation whatever is given why this has been done. The Irrigation Department has already acquired sufficient area necessary for the maintenance of the canal and its headworks and for over half a century that area has been found sufficient for efficiently running the canal. No case has been made out for demarcating further area for the purpose of maintaining or running the canal properly.

Now I proceed to examine the case from the point of view of the administrative units situate in the tract between the Beas and Ravi, i.e., districts of Gurdaspur and Amritsar and the district of Lahore. The first district that I will consider is the district of Gurdaspur. This district is split up in two parts: (i) the part beyond the Ravi, and (ii) the part of the tract between the Ravi and Beas. The district measures 1,827 square miles. Its population according to the census of 1941 is 1,153,511, of this Muslims are 589,923 and non-Muslims 563,488, the difference being 26,435 in favour of the Muslims. The percentage works out to 51.14 Muslims and 48.86 non-Muslims. These figures need amendment in view of an arithmetical error that was discovered in original census register of the Shakargarh Tehsil by the counsel for the Congress and an affidavit was produced before the Commission on this point. According to this affidavit instead of the Muslim majority of 7,695 in the Shakargarh Tehsil the real majority of Muslims is only 1,627. This error will affect the total of the whole district and reduce the Muslim majority from 26,000 to 20,000 and thus affect the percentage calculation as well. The Muslim League challenged the figure above mentioned and said that there was an error to the extent of 1,100 in the arithmetic of the original register but that the printed figures were more reliable. It was however, contended that whatever the figure, there was clearly a Muslim majority in the tehsil. A commission was appointed to check figures and it was found that Muslim excess is 4,695 as given in printed figures.

Apart from this consideration the question has been argued very vehemently that

really this majority of 20,000 or 25,000 odd of Muslims over non-Muslims is a fictitious majority because the census of 1931 as well as of 1941 was not a reliable one. Lengthy arguments have been addressed on this point and are contained in the various arguments and the memoranda submitted by the parties and need not be reiterated here. I am of the opinion that when the majority is so small in a population of 1,150,000, this is not a majority which form the basis of determining contiguous areas of Muslims and non-Muslims. As I have already said, the language employed originally was of demarcating predominantly Muslim and non-Muslim areas. An area like the Gurdaspur District can certainly not fall within that description. In view of the unreliable nature of the census figures, such a majority in my view should be ignored. If an arithmetical error has been found in one tehsil, how is it possible to think that no such error has been made in other tehsils. In my judgement on a thin majority like this the Commission cannot satisfactorily demarcate contiguous Muslim majority areas and contiguous non-Muslim majority areas, particularly when it cannot be omitted from consideration that up to the year 1921 in this district there was even according to the census figures a non-Muslim majority and the district was a non-Muslim majority district. The unwilling sections of the population cannot be handed over to the rule of a religious community on the basis of such a slight majority which has only come into existence during the last two decades.

This majority is further reduced if the Muslim population in the trans-Ravi part of this district is omitted from consideration in considering the central parts of the district.

It was about this district that His Excellency the Viceroy in his press conference made the following observations:-

"In the district of Gurdaspur in the Punjab the population ratio is 50.4 per cent. Muslims and 49.6 per cent non-Muslims. The difference is 0.8 per cent. You will see at once that it is unlikely that the Boundary Commission will place the whole of the district in the Muslim majority area."

There might be a slight error in calculation of the percentages given in above statement, but in my opinion the basis of the statement of His Excellency holds good in spite of this error.

There, however, a much stronger reason than this for saying that this district is a non-Muslim majority district. In order to determine the wishes of the people of the Frontier Province and of Sylhet a plebiscite was taken according to the statement of His Majesty of the 3rd of June and the persons who were entitled to vote in this were those whose names were borne on the electoral rolls prepared under the Act of 1935. If a plebiscite is taken on the lines on which it was taken in Sylhet or in the North-West Frontier Province, then it would appear that plebiscite would go in favour of the non-Muslims. The electoral rolls disclose that in the Gurdaspur district there are 74,790 Muslims voters as against 81,525 non-Muslim voters. If for the purpose of exercise of political rights in the matter of partition the test laid down in other parts of India is the plebiscite test, then I do not see why that test should not be employed in this district when the population majority is one per cent or 1-1/2 per cent.

Mr. Setalvad also drew out attention to page 21 of the Congress memoranda and he worked out from the figures of 1931 the total adult population of the district for the year

1941. From these calculations it would appear that the adult Muslim population, who can have a vote on the basis of adult franchise, is less than the adult non-Muslim population. Sir Mohammad Zafarullah Khan furnished a statement of adults in 1947 calculated by him on a different method, and showing 50.9 percentage of Muslims and also urged that some Christians and Scheduled Castes might vote with them. In my view no conclusion can be reached on the conjectural figures. If a referendum is taken in the same way as in Sylhet or North-West Frontier Province, it would be on the basis of existing electoral rolls and these, as already mentioned, go against the Muslim League claim.

Again, it seems to me that there is no Muslim majority area to which the three tehsils of Gurdaspur District, which have a majority of Muslim population, are contiguous. The Pathankot Tehsil has admittedly a substantial majority of non-Muslims over Muslims. The Gurdaspur Tehsil adjoins this non-Muslim area. As I shall show later, even on the other side of the Ravi a considerable area, as a matter of fact the whole tract of over 3,000 square miles, is non-Muslim in majority. So there is no contiguity of this side. The Jullundur Division that is contiguous to this area on the third side has a substantial non-Muslim majority. The Amritsar District on the fourth side has again a considerable non-Muslim majority. The only possible contiguity that can be worked out to this area is to a part of the Ajnala Tehsil of the Amritsar district if it is held that the portion of the Lahore district adjoining Ajnala is a Muslim majority area. The two tehsils of the Gurdaspur district, even if they are held to contain a Muslim majority to a certain extent, are not contiguous to any substantial Muslim area and therefore, they cannot be assigned to the Pakistan Dominion.

Besides the factor of population all other factors make a strong case for joining this district to the East Punjab. The figures of land revenue, land-owners and acreage held by Muslims and non-Muslims have already been given. The figures given in the Congress memoranda and in the arguments about income-tax, urban immovable property tax and sales tax show that the non-Muslims in this district have predominantly economic interest.

The means of communication, the railway system, the road system, the telegraph and telephone system and even the hydro-electric system of this district, are one and the same along with the Pathankot Tehsil and the whole of the Kangra district up to the States of Mandi and Suket on one side and Chamba and Kashmir on the other. The district is, as I have already said, irrigated by one canal system. The markets of the district are in the contiguous non-Muslim majority area. As a matter of fact the market for the whole area of the Kangra district in the Jullundur Division, Pathankot Tehsil, trans-Ravi area of the Gurdaspur district and parts of Sialkot district is in the town of Amritsar, which is predominantly a non-Muslim area. The determining point for all these communications is Amritsar and if we place the two tehsils of the Gurdaspur district in this area in a different sovereign State than the district of Amritsar, it would create considerable confusion in all these matters and will destroy the economic stability of the people of this district and will interfere with their commercial and industrial life. No road will be left for contact of Kangra district and the neighbouring States with Indian Dominion. Even to Pathankot itself which is the nerve centre of communications for the areas beyond it there will be no connecting road. The Kacha Hoshiarpur road without any bridge on the Beas would also be stopped if the League claim to Jullundur and Hoshiarpur Tehsils is allowed and the whole of this area will have no communications with the rest of India except from Pathankot to Kulu and from Kulu to Simla. It will mean that any person going from Delhi to Pathankot will have to proceed through Simla hills and

undertake a journey of several days before he can get the Pathankot and *vice versa*.

It was argued on behalf of the Muslim League that there could be built an alternative railway from Mukerian to Kangra Valley and reference in this connection was made to a scheme propounded by Col. Betty more than 15 years ago. That scheme connected the Kangra Valley with the North Western Railway through Mukerian. It did not connect Rupar with Kangra. So far as one knows, to connect Rupar with Mukerian or to take a railway line through the sand hills of Una is not a feasible proposition. Even if such a proposition could mature, it will take a considerable period before a railway could be built and meanwhile the populations living on that side will be under considerable difficulty.

As regards roads, it was said that Kangra Valley could be connected by a road from Bharwain to Rupar and post-war scheme proposals for this road were referred to. It is a question how long the post-war proposals will take in maturing. These were proposals of a government that disappeared and building a bridge over the Beas is not a proposition that can mature very soon. Moreover none of these routes can help Pathankot and its neighbouring territory or Dalhousie and Chamba States. A look at the plan will show how circuitous the route will be. Pathankot is the nerve centre for supplies and communications to the whole of the hill area. A change in the communication already existing will seriously affect the communications and supplies to those places.

From strategical and defence point of view no satisfactory or workable line can be drawn if the two tehsils of the district are assigned to the Pakistan Dominion. There is no natural line of defence of between the two districts of Gurdaspur and Amritsar and if any artificial or inartistic line is drawn it will lead to daily conflicts and quarrels between persons residing on two sides of the boundary line. Defence lines will have to be built up two or three times over in this part.

According to the topography of the district, its canal system and means of communication, etc., the district is really one unit with the Amritsar District. The area of both districts taken together 3,318 square miles which the average area of a fair-sized district in the Province. The whole area beginning from the eastern boundary of Pathankot right up to the boundary between the districts of Amritsar and Lahore, can easily be regarded as one area, though comprised administrative units. In this area there is substantial non-Muslim majority of 72,000 odd. Therefore, apart from the point of view of the irrigation system already discussed, if these two districts are treated as one area for the purposes of the present reference, they have a preponderance of non-Muslims over the Muslims and they are contiguous to non-Muslims over the Muslims and they are contiguous to non-Muslim majority areas. As I have said, the whole of this unit economically speaking is one unit. Linguistically, also it is one unit; people speak a common language, have the same customs and modes of life, and they have social relations *inter se* and, therefore, these populations should not be split up as such splitting would affect their social and economic life and would make them foreigners to one another. These two districts form the upper part of the *Majha* tract which, as I have already said, is the home of the Jat Sikhs. The inclusion of Gurdaspur district in the eastern zone would consolidate the Sikh position in that zone and very important shrines of Sikhs, as appears from the various argument and memoranda, are situated in this part.

The Ahmadiya community of Qadian addressed arguments to the Commission about their special claim to Qadian and the tehsil of Batala. In my opinion their claim stands or

falls with the Muslim League claim regarding the district of Gurdaspur and the tehsil of Batala. Independently of that it is not tenable as population of 14,000 in a small town cannot claim exclusion of that town on the ground of cultural and religious factors from the neighbouring majority tract. It would then become a pocket and the frontier would have been laid down round about it. It was argued by the learned counsel for the Muslim League that the cultural aspect of the Gurdaspur district has been developed by the Muslims and he mentioned as a few papers published by the Ahmadiya community. He also mentioned certain small industries owned by Muslims in the town of Batala and in Qadian. But if industrial and commercial interests are taken of the district as a whole, there is no doubt that the non-Muslims have predominant interest therein. The facts and figures are mentioned in the Congress memorandum. It was said that if the partition was effected according to Doabs, then the Bari Doab area is predominantly Muslim. That is so if the whole is treated as a unit. But, as already pointed out, it is divided into the Upper Bari and Lower Bari and these two cannot be combined in one unit.

The next administrative division in this tract between the Beas and the Ravi is the district of Amritsar. As a district it is admittedly a non-Muslim majority district. Combined with the district of Gurdaspur the whole area has a non-Muslim majority. The Muslim League concedes that the tehsils of Amritsar and Tarn Taran are predominantly non-Muslim; but it is interesting that in spite of the fact that according to the Muslim League memoranda tehsil is a unit, they have claimed in the Amritsar Tehsil the Zail or Thana of Majitha. This is an apt illustration of the inconsistency of the assertion of the League about units.

The other claim on behalf of the League is about the tehsil of Ajnala. A part of this tehsil is irrigated by the Upper Bari Doab Canal and as I have already said, that cannot be separated from this unit. In the rest of the tehsil decidedly there is a Muslim majority, but in my opinion there is no justification for taking that of it which is situated on this side of the Ravi and attaching it to the trans-Ravi area. The whole tehsil is an integral part of the tract between the Beas and the Ravi and administratively and geographically is a part and parcel of this tract. On strategical grounds also this is not a workable proposition. So far as the economic, commercial, industrial and other grounds are concerned, the interests of the non-Muslims even in this area are predominant. In my view, therefore, the district of Amritsar should be declared as a non-Muslim majority district.

About Ajnala one fact is interesting that geographically speaking it is divisible into tracts. In two of these tracts there is a majority of Muslim population and in other two there is majority of non-Muslim population. If it is considered advisable to divide Ajnala which is on the Amritsar side of the Ravi, it is only the Muslim majority tract that can fall in the Pakistan Dominion.

The next district in this tract is the district of Lahore which falls partially between the rivers Beas and Sutlej on one side and the river Ravi on the other.

The part of this district commanded by the Upper Bari Doab Canal has already been considered and it has been said that area has a majority of non-Muslims. This is the area covered by a part of the tehsil of Lahore, part of the tehsil of Chunian and part of the tehsil of Kasur. The Chunian Tehsil, excepting the Hathar tract, is predominantly non-Muslim. The Gandasingh Wala police-station, is also non-Muslim. The Lahore Tehsil on one side of the Upper Bari Doab Canal is non-Muslim and on the other side it is Muslim. In the result,

there is a majority of Muslims in the whole of the district including the city of Lahore. Even if the various tehsils are taken as units, the Muslims are in majority. The above is the situation on the population basis. If my opinion regarding the Upper Bari Doab prevails, then the rest of the area of this district must be kept intact along with that area on the other factors that I am going to mention hereinafter, particularly the strategical factor, the factor of communications and the factor of economic life of the people. I am conscious of the fact that considerable Muslim population will come in East Punjab as a result of this. The real point to be considered about the rest of the area is the city of Lahore. This city has admittedly a majority of Muslims in population and they have substantial other interests and institutions in the city. According to the census of 1941 that majority works out of 64 per cent and according to the rationing figures of 1945 that majority works out to 54 per cent. Whatever the percentage, it is substantial and therefore it is immaterial to decide the exact percentage in which the Muslims are in majority over the non-Muslims. If majority of population is the sole test under the terms of reference for demarcating the boundary, then nothing more can be said for assigning this town to the Eastern Punjab. But in my opinion, about this town the decision cannot be made merely on the basis of the majority of population which has really been attracted to this place owing to the industrial and commercial concerns started by the non-Muslims. The figures of labour in the district of Lahore supplied by the Department of Industries indicate that a considerable portion of the Muslim population in Lahore consists of factory labourers and this population has been attracted to the town as a result of the enterprise of the non-Muslims predominantly. If the enterprise ceases, the labour population, which is always of a floating character, may disappear unless some other industries take the place of non-Muslim enterprise.

The town of Lahore in my view stands on a special footing. It has been metropolis of the Punjab for several hundred years. Both east and west have contributed to its prosperity. Its economic life has mainly been developed by the enterprise of the non-Muslims. As a result of the agrarian policy of the Punjab Government during the last 20 or 30 years, a very large rural population of non-Muslims from Muslim areas has made Lahore their home. Purely non-Muslim *abadis* have sprung up and Lahore during the last 20 years has grown out of all recognition. More than 75 per cent of the commerce of the town is in the hands of the non-Muslims. The banks, commercial institutions, insurance companies, and industrial concerns are mostly in their hands. The educational interests to non-Muslims preponderate over the Muslims in this town. The Arya Samaj, the Sanathan Dharam Sabha, Dayal Singh Trust, the Ganga Ram Trust and various other non-Muslim institutions have made Lahore their centre. The non-Muslims have built costly and palatial buildings and a tour of the whole civil station in the town will show their predominant interest in this matter in the city. The urban property tax, the income-tax and other taxes paid by the non-Muslims are in excess of the Muslims. There are of course certain small houses owned by poorer classes of Muslims and non-Muslims which are not assessed to urban immovable property tax. Big public institutions have been built by the non-Muslims in this town. Therefore this town though possessing a majority of Muslim population, is as much a town of the non-Muslims as of the Muslims owing to the various and diverse interests which they have in this city. In truth both the Muslims and non-Muslims can legitimately claim Lahore as their own town though on different grounds. If the factory labour is excluded from the population, the non-Muslims even on the population factor would not be in a minority. If I could, I would

have suggested that this town should be left in the joint management of both the communities as a free city, its freedom being guaranteed by the two Dominions with a suitable constitution in which one community may not dominate over the other. But as possibly this matter is outside the terms of reference, I consider that in view of the strategic reasons and in view of economic interests of the non-Muslims and owing to the fact of its contiguity to the tract of the Upper Bari Doab Canal, which canal to a certain extent also benefits the town of Lahore, this must be included in the Eastern Punjab and the Western Punjab boundary should in no case begin on this side of the Ravi and must be fixed either on the Ravi or a little further west. The inclusion of this town in the Eastern Punjab would maintain the integrity of the railway system, the lines of communication, the hydro-electric system and the canal system. The railway workshop in Lahore is the only workshop available on the North-Western Railway for the purposes of the East Punjab and the inclusion of this workshop in the Eastern Punjab would make it possible for that province to run the railway in their own zone. Even from the point of view of cantonments it is essential to keep the Lahore Cantonment in the eastern zone, otherwise there would be disparity from the cantonments point of view in the two provinces. This will also facilitate the fixing of barriers for customs and the changes in the railway engines, etc. The town of Lahore should remain as one unit with the tract that starts from Pathankot and ends with the Chunian Tehsil, i.e., the Bari Doab tract, and if separated from it on the basis of majority of population it will destroy the integrity of the whole of this tract.

It may be argued that if the district of Lahore as a whole included in the districts of Gurdaspur and Amritsar, the whole of this tract becomes a Muslim majority tract. This is certainly so, but this is by reason of the fact that the town of Lahore and certain portions of the urban areas which are not commanded by the Upper Bari Doab Canal have a preponderance of Muslims majority. The town which has been developed by the whole of the Province and has population of over six lacs can certainly not be considered in determining the character of the tract and in spite of the addition of this town to the whole tract the Muslim majority would only be to the extent of that surplus in the city itself or even less.

Moreover Amritsar is a market for Gurdaspur while Lahore is not the market either for Gurdaspur or Amritsar. The economic factors in Gurdaspur, Amritsar and Lahore are predominantly in favour of putting these districts in the Eastern part. History tradition and religion, if they play any part in delimitation of boundaries, then the three districts of Gurdaspur, Amritsar and Lahore should go to the East Punjab apart from the economic factors already mentioned particularly when the partition is being made on religious basis. Lahore is the town of the old Hindu Rajas and tradition that it was founded by two sons of Rama, the hero of the great epic Ramayana, and it is said that the first Vedic hymns were recited on the banks of Ravi. It then became metropolis of Muslim kings and they developed it and built a great mosque. The Shadara and Shalimar are the world famous monuments of Muslim kings. The Sikhs then made it their capital, A large number of their important shrines, including the place of martyrdom of the fifth Guru and the birth place of the four Guru, situate therein.

The Congress memorandum, has further connected with the Upper Bari Doab tract certain part of Montgomery and Multan districts by including certain non-Muslim majority villages and excluding Muslim majority villages or urban areas in their plan. This part of

the Congress case I will consider when dealing with the districts of Montgomery and Multan. For the time being, I am of the opinion that in the tract between the Beas and the Sutlej on one side and Ravi on the other the three districts of Gurdaspur, Amritsar and Lahore should be included in the province of the East Punjab and for reasons that I am going to give later, the district of Montgomery should also fall in that Province, though it has admittedly a majority of Muslim population. The district of Multan in my opinion cannot on any reasonable grounds, be included in the Eastern Punjab. As a matter of fact it has nothing in common with the upper three districts of this tract.

I have omitted from consideration so far the case of the Shakargarh Tehsil of the Gurdaspur district as a separate entity for the reason that it did not fall in the Upper Bari Doab tract but fell in the Rachna Doab, that is in the tract between the Ravi and the Chenab. So far as this tract between the Ravi and the Chenab is concerned, the first question that needs consideration is whether there are any non-Muslim contiguous majority areas in this tract. I find that two areas have been demarcated by Sikhs and the Congress on the plan and it has been said that these two tracts are contiguous non-Muslim areas in the Rachna Doab.

The first of these tracts is the trans-Ravi tract beginning with the Pathankot Tehsil and proceeding right up to a part of the Pasrur Tehsil of the Sialkot district and including a part of the Narowal Tehsil of that district. The Congress call it the trans-Ravi non-Muslim tract, while the Sikhs call it Shri Kartarpur Tract, inasmuch as it includes the shrine commemorating the place where lie the remains of Guru Nanak, their first Guru. In this tract according to the figures supplied to the Commission, there is a majority of non-Muslims of about 8,000 over the Muslim. The Muslim League challenged these figures and showed that in Shakargarh Tehsil including certain villages of Gurdaspur and Batala Tehsil they had a majority between two to five thousand. These figures are correct and have been found correct on being checked but this does not settle the question, as the tract includes a part of Narowal area which is non-Muslim. This tract is geographically one tract. It is the tract adjoining the sub-mountainous Jammu territory. In this tract are included certain villages of Pathankot Tehsil across the Ravi, certain Villages of Gurdaspur Tehsil and the whole of the Shakargarh Tehsil and, it is said, certain villages of Batala. The land revenue figures and the acreage figures are all in favour of the non-Muslims. The commercial and economic interests of the non-Muslim in this area preponderate over those of the Muslims. There are no factors at all in this tract in favour of the Muslim case. The only possible factor in their favour was a slight majority in the Shakargarh Tehsil of Muslims. But there is no reason to keep Shakargarh Tehsil as a unit, particularly in view of the fact that geographically speaking the trans-Ravi villages of Gurdaspur and Pathankot are part and parcel of this area.

In this tract is situate Shri Kartarpur, the holy shrine of the Sikhs of which a detailed description has been given in the arguments of the learned counsel for the Sikhs. Therefore, in my opinion the whole of this tract should be treated as one unit and declared as a non-Muslim contiguous area in the Rachna Doab.

Apart from the view that the whole tract should be treated as a unit, the case of Shakargarh Tehsil as such may be considered in another aspect. This tehsil is situated, as I have already said, on the other side of the Ravi. Geographically it is divided into three portions. A part of this tehsil is situated in the Andhar tract, an area between the Ravi river and Ujh river. This tract in the rainy season has no communication with the other areas and is a very fertile tract growing rice. It has very little in common with the other tracts of

Shakargarh. Most of them are *barnai* and are unirrigated and are as dry as dust. In this tract the villages have non-Muslim majority. The second tract is between the river Ravi and Ujh on one side and the river Bein on the other. In this tract there is mixed population of Muslims and non-Muslims with a slight majority in favour of Muslims. Then there is tract between the river Bein and the river Basantar. Here again there is a non-Muslim majority. The zail map annexed to the Ahmediya memorandum demonstrates this point clearly. Inside the tehsil of Shakargarh there is no contiguity between the Muslim majority areas and the non-Muslim majority areas. Adjoining this Tehsil, 4/5 of the Narowal Tehsil is non-Muslim. In my opinion, tehsil Shakargarh with a slight majority of Muslim population taken even as unit should not be allotted to the Western Punjab in view of the other factors already mentioned and particularly in view of the fact that it is a part of non-Muslim tract.

The other tract in the Rachna Doab which has been proved to be a non-Muslim majority tract has been demarcated on the Congress plan and is described as the Shahidi Bar. It consists of parts of several districts, namely, a part of the Sheikhpura Tehsil, a part of Nankana Tehsil of the same district a part of the Lyallpur District, a part of the Gujranwala District, a part of the Shadara Tehsil and Sheikhpura Tehsil and some parts of the Sialkot District. In the Lyallpur District this tract covers parts of Jaranwala, Samundari and Toba Tek Singh Tehsils and the whole of the Lyallpur Tehsil. Muslims in the Lyallpur District are 233,555 and non-Muslims 384,424.

In the Sheikhpura, Nankana and Shadara Tehsils of the Sheikhpura District in this tract, Muslims have a population 234,000. While the non-Muslims have a population of 2,37,000. The Gujranwala Tehsil joined to this tract has a Muslim population of 31,000 and non-Muslims of 51,000. The Sialkot part contained in it has a Muslim population of 229,505 and non-Muslims population 268,266. The whole of this tract with a corridor through Narowal is joined to the Shakargarh tract and is contiguous to it.

It is in this tract the famous Sikh shrine of Nanakana Sahib is situated. This is the tract which has been described by certain Settlement Officers as the tract of the Sikh colonists from Amritsar, Jullundur, Gurdaspur and other districts of the Central Punjab. One of them has called it as the "daughter of Amritsar" just as Shahpur is the daughter of the West Punjab. The Tract has been developed with the efforts of the colonists from the Eastern Punjab. As a matter of fact this colony was originally developed for the benefit of the congested areas of the Eastern Punjab where the pressure of the population on the land is very heavy. In order to remove this congestion and pressure the colony scheme was devised and this tract is really an accretion to the Districts Amritsar, Gurdaspur, Jullundur, etc. The land revenue of this tract is 69 lacs and the exact figures for this area have been worked out in the table annexed to the Sikh memorandum. The details of zails included in this area also given in that appendix as well as other figures about population, area and land revenue. The land allotted to non-Muslims is far in excess of the land allotted to Muslims and the same is the position of the land revenue. Out of the total land revenue of Lyallpur area included in this tract of 40 lacs, Sikhs alone pay 28 lacs. In the area of the Gujranwala district included in this tract the percentage of non-Muslim population is 51.2 and the ownership of land is 82.5 per cent. and the revenue paid by non-Muslims is 81.7 per cent. The Sheikhpura part included in it also shows preponderance of non-Muslims in all these matters.

It is quite clear that the policy of colonization was to put communities in different tracts. This is the tract which was assigned to the non-Muslims and they obviously have a

majority in every respect in this tract. This tract, therefore, of about 4,300 square miles is a non-Muslim majority tract in the Rachna Doab apart from Shakargarh tract. The Muslim League has placed a map on record showing that there is no contiguity in the non-Muslims tracts. The other side asserted that this map is wrong.

All the areas beyond this tract on the west are decidedly Muslim majority tracts and are contiguous though here and there pockets of non-Muslim majority areas can be found. In between the non-Muslim tracts mentioned above there are certain salient of considerable length and area of Muslim majority tracts.

The rest of the portion of the Rachna Doab, barring the two tracts above mentioned, is certainly predominant Muslim area. Beyond Rachna Doab is the Chaj Doab between the Chanab and Jhelum. There is no question that this Doab is predominantly a Muslim Doab. The same applied to the area beyond the Jhelum and the Indus called the Sind Sagar Doab. These tracts have predominance of Muslim population. The trans-Indus area is all Muslim.

Having determined Muslim and non-Muslim majority areas on a broad basis on the map of the Punjab, the question for consideration is what frontier is to be fixed between the Indian Dominion and the Pakistan Dominion and will now proceed to indicate my views on the subject before I examine the case of the Muslim League regarding certain areas given in the issues.

In my view the frontier of India and Pakistan should be demarcated on the West of the Ravi and in the neighbourhood of that river, as strategically speaking this is the only workable frontier that can be laid down between these two states which being divided on religious basis. The frontier line will take the course of the Basantar river leaving the tract of Shakargarh Tehsil on the west side. This line should join the river Ravi at the confluence of the Basantar river with the river Ravi below Narowal. From there it should follow the course of the Ravi up to Shahdara. From Shahdara it should proceed via Sheikhpura to Nankana Sahib, include that town in the East Punjab and then it should join the Deg Nala up to its confluence with the river Ravi near Sayedwala. From there the course of the Ravi should be followed till Channu and then should adopt the border of the Montgomery District with the Multan District and join river Sutlej some distance above Islam Headworks. The advantage of this border would be that the Gogera Branch of the Lower Chenab Canal will be one side of this line and the Ravi will be on the other side so far as the border in the Rachna Doab is concerned. This frontier in my opinion, has the following advantages:-

1. It provides a workable border for two communal States from strategic point of view as it follows a natural river line in the background.
2. The percentage of the total population in the East Punjab will be 56 and in the West 44 per cent of the total population of the Province, but the area allotted to the west will be 55 per cent of the total area of the Province and the East will only get 44 per cent of that area. The notional partition contains much larger disparity in the distribution of the total area of the Province. That disparity will be reduced.
3. The canal-irrigated area will also be adjusted more equitably and justly the West getting 57 per cent, and the East getting 43 per cent. There will be similar adjustment of the percentage of the canal irrigated area to the cropped area.
4. The ratio of the supply of the canal water to the West and the East will be 63 per cent and 37 per cent. Here again the disparity that has arisen on the notional division

- will be considerably reduced and adjusted.
5. This border keeps the lines of communication intact and would reduce considerably the inconvenience of making custom houses, change of railway engines, etc. and will also keep intact the hydro-electric system.

Another benefit of the border suggested by me is that it keeps the Sikhs practically intact and gives redress to the grievance which they have made to the Commission without in any way over-riding the terms of reference. By selection of the proper unit this result can be achieved.

A further advantage is that on this division at least one main canal out of the big canals that irrigate the Province in its whole length comes to the Eastern part.

It may also be mentioned that this border facilitates the employment of the Sikh community in the Indian army. Their complaint that if a larger number of them remains in Pakistan, they will not be able to continue their profession of military service, as they do not like to serve Pakistan finds redress to a considerable extent if the border suggested is accepted.

The frontier marked by me also brings within the Indian Dominion the religious shrines of the Sikhs in Gurdaspur, Amritsar and Lahore Districts including the shrine of Nankana Sahib.

It may be observed that the border suggested by the Muslim League includes within the limits of Pakistan the Kapurthala State which has already its choice for joining the Indian Dominion. Moreover, this border runs counter to the rule suggested by the League itself in its memorandum inasmuch as it is a crazy line running over tehsils and various parts of tehsils and over various districts.

In my opinion roughly speaking the real line between the West and East is the Ravi. It is undoubtedly true that in this suggestion some portion of a predominantly Muslim area would in the East Punjab, but wherever the frontier is laid that result is bound to happen one way or the other. It may be said that it is unfair to the Muslim League to take away from them three districts that fell to it on the notional division, particularly when in all those three districts have a majority. If district or tehsil is the measure of deciding the dividing line, then that contention is unassailable. But if one proceeds on the basis of geographical areas or homogeneous areas then the complaint can only remain regarding the district of Montgomery. For the inclusion of that district in the province of the East Punjab my reasons are these:

1. Strategic.
2. To encourage transfer of population to Montgomery and other canal areas and eventually bring about an adjustment in this matter. Montgomery becoming a non-Muslim majority area and the Shahidi Bar becoming a Muslim majority area.
3. It provides space to the congested population of the Eastern Punjab. Without this there is no place for expansion or development and the very economic life and stability of the Eastern Province will be seriously endangered if Montgomery is not allotted to it.
4. The granary of the Punjab has gone to the West and in order that East also get sufficient food, the canal area of Montgomery District must be given to it.
5. All the unallotted colony land on the notional division which is in the neigh-

bourhood of over 21 lacs of acres is in the province of the West Punjab. The learned counsel for the Muslim League explained that excluding the areas not culturable and also excluding those already allotted temporarily or permanently it was really 7 lacs of acres of unallotted land that existed in West Punjab in the colonies and not 21 lacs of acres. In the 7 lacs mentioned above the That area is not included. In all equity East Punjab must have some share of it. Allotment of Montgomery District to the East Punjab will to a extent give relief in this matter.

6. To safeguard the rights of those demobilised soldiers whose war services have been promised grants of land it is necessary that some unallotted canal lands are given to the Eastern Province so that the province may be able to fulfil its promises or the promises of its predecessors. If this is not done, it has no means to redeem those pledges. It was said that Bilaspur State has also to be given some area in lieu of the area acquired for the Bhakra Dam. That can only be done if Montgomery is allotted to the Eastern Punjab.
7. The allotment of Montgomery District to Eastern Punjab will give some share of the waters of the Chenab river to East Punjab. Chenab colony was developed by the labours of the residents of the East Punjab and some share of it must be given to them.
8. This allotment will concentrate to a certain extent the Sikh population in the Eastern Punjab and the border suggested, if adopted will increase their population by seven lacs in the East Punjab. About 29 lacs of them out of 37 lacs would come within the province.
9. It will adjust the disparity in the distribution of the total area of the province.
10. The non-Muslims have a strong claim to the area of the Shahidi Bar as it is a contiguous tract to the Shakargarh tract and has a predominantly non-Muslim population. If the border is laid further on where this tract ends., it would not lead to the fixing of any suitable boundary line. Moreover, it will be a line in a predominantly Muslim area. It is for this reason that I have left the Shahidi Bar, in any case a huge part of it, in the Western Part, as on strategical grounds no suitable border can be laid down except in the neighbourhood of the river Ravi. In substitution for that I have suggested the district of Montgomery which may gradually by transfer of population adjust the ratio of communities.

As regards the Chenab border suggested by the Congress and the Sikhs. I cannot accept it. This suggestion would seriously prejudice the claim of the Muslim League on the basis of the population factor and would also clash with the main principle of partition as it would include with the Eastern Punjab a huge majority of Muslim residing in areas which are predominantly Muslim. There are no such factors in this area which can override the population factor.

Now I proceed to examine the League demand for inclusion of certain tehsils and certain contiguous areas to the 17 districts already allotted to it.

- (1) This claim as regards the Ajnala Tehsil has already been dealt with.
- (2) Jullundur Tehsil has been claimed on the ground that it has a majority of 51.1 of Muslims. This majority is really due to the inclusion of the urban area of Jullundur

city and its suburbs in the tehsil area. Excluding the urban area, the rest of the non-Muslim majority up to end including the census of 1931. The city is an island in a Non-Muslim majority area. The economic factor is strongly in favour of non-Muslim claim.

- (3) The next claim is about the Nakodar Tehsil the ground of majority of 59.4 per cent of Muslims, of Zira Tehsil on a majority of 65.6 per cent, and of Ferozepur Tehsil on the basis of majority of 55.2 per cent. These majorities cannot be disputed. Then follows a claim regarding contiguity of an area which is a part of the Hoshiarpur Tehsil, of another area which is a part of Dasuya Tehsil of a third area which is part of Fazilka Tehsil and of other areas which are parts of Muktsar, Jagraon Ludhiana, Samrala, Rupar, Una and Garshankar Tehsil. In these areas the majority of Muslims is 52.40, 58.14, 75.12, 66.56, 69.32, 68.05, 70.59, 51.27, 55.02, and 57.11. Moreover parts of Nawanshahr and Phillaur are also claimed where there is a majority of 50.59 and 67.24 of Muslim population. It is conceded that in the Tehsils of Hoshiarpur, Dasuya, Fasilka, Muktsar, Jagraon, Ludhiana, Samarala, Una, Garshankar, Newanshahr and Phillaur the non-Muslims are in a majority and those majorities are substantial have already mentioned the case of Fazilka where in the tehsil the non-Muslim are about 57 percent, but in one part of the tehsil the Muslims are 75 per cent. It was also urged that some Christian population should also be added to the Muslim population in these areas. In my opinion this claim is not tenable for the following reasons:-

(1) Christian population cannot be added under the terms of reference to the population of Muslims.

(2) Tehsil is not a standard unit and none of these tehsils claimed by the Muslim League are geographical or other homogeneous areas. The only possible claim that could be entertained in this area would be regarding the riverain tract of the river Beas and Sutlej. In the riverain tracts of the Tehsils of Ferozepur, Nakodar and Zira the Muslims have a substantial majority. But this tract, if allotted to the province of the West Punjab, would not make it possible to lay down a suitable and workable boundary line.

The claim regarding parts of a tehsil is inconsistent with the Muslim League contention that tehsil is a unit. On this contention they cannot carve out areas of non-Muslims majority tehsils.

If the process adopted by the Muslim League is reversed and one starts with the non-Muslim like Fazilka and Muktsar on one side, Hoshiarpur and Dasuya on the other and Moga and Jagraon on the third, then very substantial areas of the Tehsils of Zira Jullundur, Ferozepore and Nakodar would become non-Muslim.

As regards, Ferozepore Tehsil, the majority is not substantial. On a here margin of majority as area cannot be held to be a predominantly Muslim or non-Muslim area. An additional reason for not allowing Ferozepore Tehsil to the province of the Western Punjab has been furnished by the memorandum submitted by the Bikaner state which has a very substantial and valuable interest in the Ferozepore headworks which supply water to that

State. It is alleged by that State and Bahawalpur State has a very minor interest compared with Bikaner State in the Ferozepore headworks and the allotment of these headworks to the Western Punjab is bound to revive the old controversy regarding the waters of Sutlej between Bahawalpur and Bikaner. The Bahawalpur case was argued on the basis that Ferozepore headworks are the key headworks on the Sutlej Canal system and as in the other two headworks Bahawalpur has a predominant interests, this key headwork should go to the West Punjab whose interests along with Bahawalpur predominate in the waters of the canal. I have not been able to see really the interests of these States in the fixing of boundary between the East and the West Punjab. It seems to me that the claim of Bahawalpur is based on the presumption that if the headworks go to the East Punjab, Bahawalpur will not be fairly treated. I do not see why East Punjab will neglect the maintenance of the headworks to the detriment of the State. Learned counsel for the Congress has placed a plan on record which shows that in these tehils there is no contiguity of Muslim majority areas and economic factors are all in favour of non-Muslims.

The Tehsil of Zira geographically is divisible into two tracts - the river tract and the other part. It is only in the river tract that the Muslims are in a majority. It may also be pointed out that Zira, Moga, Ferozepore and Jagraon Tehsils have a common system of inundation canals and it is, therefore, one integral non-Muslim area connected by the system of canals. Jagraon has a vast majority of Sikh population, so has Moga, Ferozepore has very slight Muslim majority and so also Zira. But if all these four tehils are taken as a unit the non-Muslims are in majority of 114-416. The contiguity of these tehils to a non-Muslim area is obvious, with a Muslim area it has to be worked out by a process. It was said that these areas were contiguous to one another and contiguous also to the Kasur and Chunian Tehsils of the Lahore District. I have already discussed the case of Kasur and Chunian and the decision of contiguity will depend on the decision taken about those tehils. The allowance of this claim to the Muslim League would result in the creation of a salient in the midst of considerable area of non-Muslim and would offend against the principles on which a boundary line has to be laid between two sovereign states.

The claim of the Muslim League to the Thana or Zail of Majitha suffers from the same defect as their claim to part Fazilka or a part of Muktsar Tehsil.

The claim of the Muslim League to various areas suffers from one very grave defect. It was argued with great force and vehemence that the true basis of partition of India which made the partition of the Punjab inevitable was the Congress resolution based on the principle of non-coercion and this should be kept in view while fixing a border. If the claim of the League is viewed on the principle of "non-coercion," so ably developed by the learned counsel for the League, in my opinion it totally fails. According to the border suggested by the League, over 16 lacs of non-Muslim go to West Punjab over and above the notional division as compared with 9 lacs of Muslims. The table of figures supplied by the Muslim League and annexed to their memorandum amply proves these figures. Nine lacs of Muslims came into the Pakistan more than the population calculated on the notional division. Two lacs of Scheduled Caste, five lacs of Hindus, 60,000 of Christians and about ten lacs of Sikhs also go into the Pakistan area. In all, the increase of the Western Province of the lines suggested over the notional division of population is 36 lacs and out of this only one fourth are Muslims. The percentage of Muslim population in West Punjab according to notional division was 73.2 and this has been reduced to 69.86 per cent on the new division

suggested. The boundary line suggested by me fully supports the fundamental idea underlying this division. The total population of the Province 28,418,819, out of which 16,217,242 are Muslims, is divided into three blocks - (i) a block of 99 lacs of Muslims goes in West Punjab (ii) a block of 93 lacs of non-Muslim goes in the East Punjab, and (iii) a block of 92 lacs of population is split up into two parts 29 lacs non-Muslims going in West and 63 lacs Muslims going in East. As Muslims are in a majority in the whole Province, this result to a certain extent is bound to follow. The total population of the West will 12,800,000 while the area assigned to it will much larger in ratio to the population.

Sir Mohammad Zafarulla Khan in a lengthy address, with the help of plans, demonstrated the strategical advantages and disadvantages of the border suggested by the Muslim League and the one suggested by the Sikhs. It is unnecessary for me to deal with this matter, as on the view that I have taken of this matter, the respective advantages and disadvantages from a military point of view of the border suggested by him and the Chenab border do not arise. For the reasons given above I am of the opinion that the only frontier between the sovereign State of Pakistan is the frontier indicated by me. Though, as already stated, I am quite positive that the line indicated by me will, for the time being, give on satisfaction to the contending parties, but I have a feeling that this line, if adopted would eventually contribute to the happiness and contentment of the respective communities residing in the two different parts demarcated by this boundary.

Sd/- Mehr Chand Mahajan.

The 3rd August, 1947.

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A Record of Decisions of the Meeting of the Partition Committee held on the 4th August, 1947 at 10.30 a.m. in the Partition Office A.P.P.C. and D.P.P.C.

Partition Branch Record, Punjab Secretariat, Chandigarh.

Present

His Excellency the Governor
Mr. Zahid Hussain
Mian Mumtaz Muhammad Daultana
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Messrs Yaqub Shah and Sachdev

Agenda Item No. 2

Please find herewith a copy of the interim agreement for the working of the Hydro Electric system of Punjab, Public Works Department, Electricity Branch, agreed to and

recommend by the two representatives of East Punjab from Electricity Branch, for further action.

Sd/- S.A. Gadkary
Secretary
(Electricity) 31.7.47.

The members of the Steering Committee, Punjab Civil Secretariat, Lahore (unofficially) No. 136/SAG, dated 21st July, 1947.

I. Period of Agreement.

The interim arrangement will remain in force for a period of three months after the date of partition i.e. till 15th of November, 1947.

This arrangement will be subject to further renewal with the consent of the two Governments and without prejudice to the final decision in the matter.

II. Power house and Allied Works situated in Mandi State, Territory.

- (1) The entire administrative control will be with the Chief Engineer, East.
- (2) The present staff will continue on the existing terms and conditions of service.
- (3) All maintenance estimates and estimates chargeable to the Depreciation Fund and for work of emergent nature will be sanctioned and expenditure controlled by the Chief Engineer, East.
- (4) New Capital expenditure exceeding Rs.10,000 will not be sanctioned without the concurrence of Chief Engineer, West.
This would not apply to the works in progress, expenditure on which will continue as per sanctioned estimate.
- (5) Chief Engineer, West retains the right of inspection of works, and as far as possible, a joint inspection with the Chief Engineer, East, will be arranged on such occasions.

III. Transmission and Telephone Lines and Grid substations:-

- (1) Responsibility for maintenance will rest with the respective authorities on territorial basis.
- (2) All switching operations of Extra High Tension Lines and grid substations shall be controlled by own power Controller as at present.
The present incumbent of the post (Mr. G.S. Gyani) should continue to work as Power Controller, until the permanent incumbent (Mr. R. Heath) who is on leave ex-India returns to duty.
The power controller will be under the administrative control of Chief Engineer, West.
- (3) 7 Provisions of the present safety code, as adopted by the Punjab Public Works Department Electricity Branch, shall continue to be observed strictly by both the Administrations.

No amendment shall be issued to the present Safety Code except under mutual agreement, in writing between the two Administrations.

- (4) Present sanctioned estimates for maintenance of 132 and 66 KV transmission and telephone lines shall be split up into two, where necessary, prorata on territorial basis, so that Zone can maintain its accounts independently of the other. Present sanction amounts as not to be exceeded without mutual consent.
- (5) In the case of Grid sub-stations there will be no necessity to split any of the existing maintenance estimates, as these sub-stations would be operated by such administration on territorial basis and the expenditure incurred thereon will not be subject to any adjustment between the two Administrations.

IV. Executive Engineer, Maintenance and Test

- (1) Executive Engineer, Maintenance and Test should work for both the Zones as he is doing at present. He would be under the administrative control of Chief Engineer, West. His movements in both the zones will continue to remain as free as are at present.
- (2) He will not transfer meters, relays or other equipment belonging to one zone to the other temporary or permanent basis.
- (3) Any special expenditure on the repairs incurred in the interest of one zone only will be charged for in full to the zone concerned.
- (4) The present incumbent (Mr. H.B. Gupta) will continue to hold charge of this Division during the period.

V. Local Distribution and bulk supply schemes

The Management and ownership of these schemes will remain under the territorial authorities concerned, and therefore, there will be no adjustment either of revenue or of expenditure so far as these works are concerned.

VI. Load

Present connected load will continue. No industrial load of any type will be sanctioned in any area during this period.

As for general load, cases may arise where some trifling load may have to be sanctioned. This would be done by the Board consisting of the two Chief Engineers only.

In case of disagreement application under consideration will not be sanctioned.

Change of name either for general or industrial load may be sanctioned by Chief Engineers in their respective zones so long as there is no increase in load.

An exception to the sanction of new general connection will be made in the following cases:-

- (i) Officers of the Punjab Government moving out of one Zone to the other.
- (ii) Government employees who were getting electric supply for their residences from Punjab, Public Works Department, Electricity Branch, before partition and

moving out of one Zone to the other as a consequence of the partition of the Province.

Note: This concession will be made only in regard to load for lights, fans and refrigerators and domestic water supply. No heater load will be permitted.

The above connections may be given by each Chief Engineer under advice to the Chief Engineer of the other Zone:-

VII. Portions of Works of common interest.

- (1) Power House and allied works in Mandi State,
- (2) 132 KV Transmission and Telephone Lines from Joginder Nagar to Shalamar.
- (3) 66 KV transmission and Telephone Lines from Shalamar to Ferozepur.

VIII. Offices of Common interest.

- (1) Divisional Office of Executive Engineer, Maintenance and Test.
- (2) Senior Sub-stations Engineer of Shalamar, so far as his duties as Power Controller are concerned.

IX. Expenditure to be pooled together for adjustment between the two zones:-

- (1) Working expenses on Power House and allied works in Mandi State.
- (2) Expenditure of the establishment of the Resident Engineer, Joginder Nagar.
- (3) Working expenses of E.H.T. Transmission and Telephone Lines of common interest mentioned in paragraph VII above.
- (4) Establishment and working expenses of Divisional Offices of Executive Engineer, Maintenance, and Test.
- (5) 25 per cent of the salary of the Senior sub-station Engineer for his work at Power Controller.
- (6) Depreciation charges on the capital invested on lines and works of common interest.

X. Ratio to be followed for dividing the expenditure

Expenditure should be distributed in the ratio of units consumed in the area of East and West Zones during the financial year 1946-47. This ratio works out to 43. 45/73.39.

XI. Revenue

Each Party will collect and retain the revenue for the portions of Local Distribution and Bulk Supply Scheme falling in its jurisdiction. There would be no adjustments between

the two Governments on this account.

Sd-/ Superintending Engineer
Reorganisation Officer for the West.
Sd-/ Chief Engineer and Secretary
Electricity, Reorganisation Officer in the East.

Decision

Approved. The decision should be communicated to Mr. Justice Cornelius to be incorporated in the Partition Orders that he was drafting.

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Report of Mr. Justice Teja Singh (August 4, 1947)

Partition Proceedings Vol.VI, p. 193-216

This Commission was appointed by His Excellency the Viceroy and Governor-General of India in accordance with the provisions of paragraphs 5 to 8 of the Statement by His Majesty's Government, dated the 3rd June, 1947. The terms of reference are as follows:-

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will take into account other factors."

Very lengthy arguments were addressed to us on the interpretation of the terms of reference. The learned counsel for the Congress and the Sikhs conceded that the ascertainment of contiguous majority areas of Muslims and non-Muslims was an important factor on the basis of which boundaries of the two parts of the Punjab had to be demarcated, but "they urged that there were other factors which were of as much importance as the population question and it was the duty of the Commission to take them into account also." The position taken up by the learned counsel for the Muslim League on the other hand was that while demarcating the boundaries of the two parts of the Punjab, population factor alone must be taken into consideration and after this had been done the other factors could be taken into account for making local adjustments in the boundaries so that no considerable section of the population in a local area was transferred from a majority area to a minority area. The following are the words used in the paragraph 6 of the Memorandum of the Muslim League:-

"The obvious interpretation of which alone these terms are susceptible is that the Commission should proceed to demarcate the boundaries of the two parts of the

Punjab and for this purpose should ascertain the contiguous majority areas of Muslims and non-Muslims. Once it is determined which are the contiguous majority areas of Muslims and non-Muslims, it shall proceed to draw the boundaries line between the two parts of the Province on that basis, but in doing so, that is to say in demarcating the boundary line on this basis, it will also take into account other factors."

There was also keen difference of opinion between the counsel as regards the nature of the "other factors."

Now, in order to be able to realise the full import of the stand taken by the Congress and the Sikhs it appears to be desirable to trace the course of events that have led to the partition of the Punjab and have made the appointment of this Commission necessary. The Indian National Congress was founded in the year 1885 with the object of claiming for the Indians an increasing share in the administration of the country and the right to send elected representatives to the Councils. Later on it adopted Swaraj (self Government) as its objective and in 1929 complete independence became its ideal. Though a few prominent Musalmans participated in the activities of the Congress for many years its membership was almost completely confined to the Hindus and certain interested persons dubbed it as a communal organisation. In 1906 the Muslim League was established with the avowed object of safeguarding the interests of the Muslim community and providing them with a political body of their own. Except during the days of the Khilafat agitation when the Congress and the League worked together there has been always an antagonism between the two, and on several occasions the League openly took-up cudgels against the Congress. The leaders of the Congress every now and then made efforts to appease the Muslim League and even acceded to some of its extreme demands, but they did not succeed in winning it over to their side completely. In 1916 the Congress accepted the principle of separate electorates for the Musalmans in spite of the fact that a large body of Hindus and even some nationalist Musalmans were opposed to it. The Congress thought that by making this gesture of good will they would be able to persuade the Muslim Community to throw itself whole-heartedly in the national movement, but this hope of theirs was eventually dashed to pieces. The differences between the two bodies assumed a serious aspect in August, 1942. The Congress passed the Government to give the people of India almost a complete control in the internal administration of the country and to declare that it would grant complete independence after the war. The Muslim League on the other hand agitated for a separate sovereign Muslim State consisting of Bengal and Assam towards the east and the Punjab, North-Frontier Province, Sind and Baluchistan towards the north-west. It argued that the Muslims in India constituted a separate nation distinct from the Hindus and other communities, and since the majority of the population in these Provinces were Muslims and these Provinces were their homeland, they are entitled to have a State of their own on the principle of Self-determination. The Congress though willing to concede autonomous Governments to the Provinces in which the Muslims were in majority, was opposed to the vivisection of India and to the creation of a separate communal sovereign state comprising of Muslim majority Provinces. The British Government with a view to solve the Indian problem once for all sent a Mission consisting of three members of the Cabinet to explore the possibilities of settlement with the Indian people. The Mission carefully examined the whole question but refused to recommend the partition of India. It devised a scheme which was intended to

preserve the unity of India as well as the integrity of the Punjab and Bengal. The scheme was at first accepted both by the Congress and the Muslim League but later on differences arose regarding its interpretation, and the Muslim League resiled from its acceptance. There ensued then a stalemate to resolve which His Majesty's Government made the statement of June 3, 1947, recognising the right of the Muslims to have a separate sovereign state comprising the Muslim majority Provinces, but laying down at the same time that the parts of the two of these Provinces, namely Bengal and the Punjab, in which the non-Muslims were in majority would be given the right of deciding for themselves whether they would join the Pakistan or would remain united with the rest of India. The partition of the Punjab was decided upon the insistence of the Sikhs, who declared that in no case would they be willing to allow the whole of the Punjab to be governed by a Muslim communal Government. For an answer to the question why the Sikhs adopted this attitude we must turn to their history and also refer to recent happening in the north-western part of the Punjab.

The Sikh religion was founded by Guru Nanak who was born at Nankana Sahib in the Sheikhpora District in the year 1469 A.D. He spent most of his time in going from place to place preaching his gospel and settled at Dera Baba Nanak towards the evening of his life. His three successors carried on their work in peace but Guru Arjan, the fifth Guru, had the misfortune of incurring the fury of Emperor Jehangir. The Emperor became jealous of the Guru's work and influence and wanted him to embrace Islam. Not having succeeded in this he ordered him to be tortured to death (see in this connection the question, Appendix A+ taken from Jehangir own memoirs). Guru Har Gobind, the sixth Guru had also a difficult time. He was apprehended and deported to Gwalior Fort for a number of years. Guru Teg Bahadur, the ninth Guru, was summoned to Delhi and was asked to choose either Islam or death. The Guru preferred the latter, and on this he was publically beheaded (see Appendix B++) Guru Teg Bahadur's son Guru Gobind Singh, was the last Guru of the Sikhs. He took up residence at Anandpur, a place at the foot of the Siwalik Hills. The relations between the Sikhs and the Muslim Government of the country had by then become so strained that the latter hounded up Guru Gobind Singh even in his peaceful abode. Finding no other course open to him, the Guru decided to have recourse to arms and thus took place the transformation of the peaceful Sikhs in to the militant Khalsa. After that Guru Gobind Singh had no respite and he spent his whole life in fighting to defend himself and his followers against the tyranny and oppression of the Muslim Government. The struggle cost him heavily. He lost his home, he lost his family, in fact he lost all that he could call his own in this world. Almost all his devoted followers and two of his young sons died fighting in the battle-fields. His remaining two sons, aged respectively 11 and 9 years, were bricked up alive at Sirhind under the orders of the local Muslims satrap (see Appendix C+). After some time the Guru retired to Deccan and breathed his last at Naded in the Hyderabad State in the year 1708. Four or five years later Banda Bahadur appeared in the plains of Sirhind and with the help of devoted bands of Sikhs whom he was able to collect around him overpowered the Governor of Sirhind, plundered the town and punished all those who had taken part in the gruesome massacre of Guru Gobind Singh's followers and sons. Eventually he was captured and taken to Delhi along with thousands of other Sikhs. There they were all killed brutally in cold blood after having been subjected to untold and indescribable indignities and tortures (see Appendix D**). When Farrukh Siyyar ascended the throne of Delhi he initiated a regular reign of terror and ordered a general massacre of Sikhs in every

nook and corner of the Province (see Appendix E).

These conditions continued till the later part of the thirties. In the beginning of the forties the Sikhs started re-organising themselves, and in a few years they marched from strength to strength. In 1762 they again lost heavily in an encounter with Ahmad Shah (see Appendix F*). But by 1769, that is, in about 30 years, after their opponents believed that they had been finished for ever, they succeeded in establishing their sway from the banks of Jumna to those of the Indus. They had no Central Government but the twelve Missals or the bands under which they were grouped conquered different territories and ruled over them. The Mughal Empire broke up long before Maharaja Ranjit Singh established his kingdom. He stormed Lahore in 1799 and in a few years became the undisputed head of the Province. His territories extended from the Sutlej in the south to places beyond the Indus including Peshawar in the north. He also conquered Kashmir, the province of Multan and the Derajats. He died in 1839 and with his death came to an end the empire built by him. It is unnecessary to enter into the history of subsequent events which led to the two Sikh wars. The first war ended in a treaty according to the terms of which the British Government took upon themselves the protection of Dalip Singh, the minor son of Maharaja Ranjit Singh, and the administration of his kingdom till he attained the age of sixteen. Then there was the second war in consequence of which Dalip Singh, who was still minor, was deposed and his territories were annexed to the British Indian Empire in 1849.

Though Maharaja Ranjit Singh did not rule as a theocratic king and in matters of administration he was fair to all communities, the events of previous century were too bloody and too fresh to be completely obliterated from memory, and the Muslims founded in difficult to forget that the Sikhs had snatched power and government from their hands. It may be added here that Sir Muhammad Zafarullah Khan, who represented the Muslim League, made an effort to show that the Moghal Emperors did not interfere with the religious activities of the Sikhs and allowed them complete freedom until some of the Gurus of the Sikhs started dabbling in political matters. The Sikhs point of view is entirely different and their allegation that the Gurus and the Sikhs were persecuted on religious grounds is supported by renowned and impartial historians. Sir Muhammad Zafarullah Khan further contended that when the Sikhs grabbed political power they were also guilty of persecuting the Musalmans and demolishing their religious places etc. It is not necessary here to go into all these facts and to apportion blame, because whether the Sikhs version be correct or Sir Muhammad Zafarullah Khan's allegations be true, the fact remains that bitter antagonism had sprung up between the Sikhs and the Musalmans during the time of the Gurus and all that happened in the subsequent years made it deep rooted and widespread. During the mutiny of 1857 the Sikhs pledged their loyalty to the British Crown and fought under its banners. This further exasperated the Muslim feeling against them. The relations between the British and Sikh community became very cordial after the mutiny. The British fully appreciated the qualities of the Sikh soldier and offered him ample opportunity for the development of his martial instinct. The Sikh on his side felt proud of the confidence that the Britisher reposed in him. In this way there grew up a feeling of comradeship between the Britishers and the Sikhs and the latter fought the Britisher's battles as a faithful in whatsoever part of the world his services were needed. General Sir Gordon in his book "*The Sikhs*" published in 1904, while describing the help rendered by the Sikh community to the British Government during the time of the mutiny remarked as follows:-

“Well may be the Khalsa be proud of their children, and Britannia also of such brave soldiers who know how to die in her cause.”

(For other observations made by the General please turn to Appendix G* which reproduces a few passages from this book). The services rendered by the Sikh community in the first world war need no comment. As regards the second War, it is sufficient to observe that notwithstanding the fact that in political matters the Akali party was working hand in glove with the Congress, it decided to cooperate with the Government wholeheartedly in the war effort and carried out its resolve with the greatest enthusiasm even though in doing so it ran the risk of alienating the sympathies of the Congress.

Coming now to the recent events, the Sikhs complain that their share in the internal administration of the Province has on the whole been negligible, and they were never satisfied with it. Under the Montague Chelmsford Scheme of diarchy three Ministers were appointed: one of them was a Sikh. Later on when provincial autonomy was introduced the number of Ministers was increased to five but out of them only one was a Sikh. It was at this time that the late Sir Fazal-i-Hussain formed the Unionist Party and persuaded the Sikh Minister, Sir Jogender Singh, to join it but not much good was done to the community by this alliance. After Sir Fazal-i-Hussain's death his place was taken by Sir Sikandar Hayat Khan. He too followed in the footsteps of Sir Fazal-i-Hussain. Once he declared that the Sikhs would be given 20 per cent, share of the services and that their rights in respect of the use of Jhatka meat and teaching of Punjabi language in Gurmukhi characters in the Schools of the Province would be recognised and given effect to, but nothing happened in actual practice. The Akali party which was then coming into prominence vehemently criticised the policy of the Unionist Party and Sir Sunder Singh for co-operating with Sir Sikander's Government (See Appendix H+). In the elections of 1937 Sir Sunder Singh's party, known as the Sikh Nationalist Party emerged as the strongest single Sikh Party and Sir Sunder Singh was included in the Punjab Cabinet. Sir Sunder Singh died in the year 1940, and with him came to an end the Sikh Nationalist Party. The proper course for Sir Sikandar Hayat Khan was to offer the ministry to the Akali Party but this he did not do and offered the Ministership to Sardar Dasandha Singh who had no following in the Assembly. Sardar Dasandha Singh carried on for about a year but neither he was able to do anything for the community nor did he bring any strength to the Government. Dissatisfaction amongst the Sikhs was daily growing and when it was feared that this might lead to a serious trouble and even the overthrow of Sir Sikandar's Government, he at last turned to the Akali Party and through the intervention of a few common friends succeeded in persuading Master Tara Singh, the leader of the Akali Party, to enter into a pact with him. This pact is known as Sikandar-Baldev Singh Pact, and resulted in the installation of Sardar Baldev Singh, now the Defence Member of the Viceroy's Executive Council in the ministerial *gaddi* of the Punjab. Very high hopes were raised among the Sikhs by the pact and judging from the statements then made by Sir Sikandar Hayat Khan and Sardar Baldev Singh everybody believed that the grievances of the Sikhs would be redressed. Sikandar Hayat Khan however proved too clever for Baldev Singh and Master Tara Singh both and there was absolutely no improvement in the situation. Later on, Sir Sikandar Hayat Khan also died and his place was taken by Malik (now Sir) Khizir Hayat Khan Tiwana). His relations with Sardar Baldev Singh were very intimate but notwithstanding all this neither of them was able to help the

Sikhs politically materially. With the formation of the Interim Central Government Sardar Baldev Singh became the defence member and Sardar Swaran Singh succeeded him. Sardar Swaran Singh also whole-heartedly co-operated with Sir Khizir Hayat Khan but even this did not result in any practical good to the Sikhs.

The Muslim League had been trying off and on to oust the Unionist Ministry and to put its saddle its own Ministry. Several times it approached the non-Muslim M.L.A.'s to form a coalition Ministry with the League but it could not succeed in winning their confidence. It then tried, first to persuade Sir Khizir Hayat Khan and then to coerce him to join the League, but did not succeed in his either. These incidents had, however, one important effect upon the policy of Sir Khizaris Government. He felt that the only way in which he could appease the Muslim public opinion and keep a fairly good number of Muslim M.L.A.'s around him, was to work for the benefit of Muslim community, even though in doing so he might have to trample upon the legitimate rights of the non-Muslims. The non-Muslim complained that he was more pro-Muslim than the Muslim Leaguers and that most of the key posts were filled up by Mohammedan officials regardless of propriety of efficiency. Despite all this the opposition of the Muslim League to Sir Khizir's Ministry continued unabated. His Sikh and Hindu colleagues were openly smarting under the turn that the affairs were taking but they hesitated to part company with him because they would be paving way for the Muslim League Ministry.

Towards the third week of January, 1947 the Muslim League started a "Direct Action" movement against Sir Khizir Hayat Khan and his Ministry, and continued it for about five weeks. Processions were taken and public meetings were held in defiance of lawful orders of the authorities. The Governor promulgated an ordinance containing very stringent provisions for keeping law and order and arming the Executive with extraordinary powers but they were all defied. The leaders of the Muslim League gave out that the agitation was only against the Unionist Ministry but in fact it was against the non-Muslim and the popular slogan raised to public meetings and by the processionist was:--

"Aise Lengey Pakistan
Jaise Liaya tha Hindustan."

(We shall take Pakistan in the same manner as we took Hindustan that is by use of sword). The allegation that the agitation was non-violent throughout is also incorrect. At many places Government property was damaged and Government officials in discharge of their duties were assaulted and roughly handled. Even the premises of the High Court, Lahore were not spared. On several days the processionists passed through the compound of the Court raising provocative slogans and on one day they broke the window panes of a number of Judges chambers and court rooms. The Union Jack flying on the top of the building was removed and in its place the Muslim League flag was hoisted. For some time Sir Khizar remained defiant, but at the last he succumbed. One thing which affected his attitude was the declaration of His Majesty's Government of the 20th February, 1947, that it had been decided to divide India into two sovereign States and opportunity would be afforded to the majority communities to shape their own Government, so that, when the British quitted in India in June, 1948, they might be in a position to take over the Government of the entire country or of different parts. Though the Coalition Government still enjoyed a majority in

the Legislative Assembly, Sir Khizar and his Cabinet were compelled to tender their resignation to the Governor on the 2nd March 1947. The Muslim League believed that they would be called upon to form the Government and in fact the Governor did summon the leader of the party and discussed the matter with him. The non-Muslim M.L.A.s with the exception of two Christians and one Anglo Indian held a meeting and unanimously decided to oppose the formation of the Muslim League Government and held a demonstration outside the Assembly Chamber on the 4th March. There were also public demonstrations in the city of Lahore and the Hindus and Sikhs took out processions to emphasize their determination to oppose pure Muslim League Ministry. The authorities who had not moved a little finger during the whole month and a quarter when the Muslim League openly defied the law at once became active and first lathi-charged and then fired upon a small procession of Hindu and Sikh students (See Appendix H/1*). This led to more demonstrations and further firing. From Lahore the trouble spread to other cities and there were serious communal riots in the districts of Campbellpur, Rawalpindi, Jhelum, Lahore, Amritsar, Multan and later on in Gurgaon. In the rural area in the districts of Rawalpindi, Jhelum and Attock and also to some extent in the district of Multan villages inhabited by Sikhs were raided by Muslim mobs. In some places the rioters numbered five to ten thousand and almost the entire Sikh population including the old and infirm women and children were either killed or burnt alive. A large number of people were forcibly converted, children were kidnapped and young women were abducted and openly raped. Their houses, shops and places of worship were pillaged and then set on fire. The Hindu villages surrounded by Muslim population also met the same fate. In cities organised attacks were made upon Sikh and Hindu Mohallas (Quarters); their houses and shops were looted and burnt, temples and Gurdwaras were demolished and stabbing went on a large scale. The weapons and arms employed included spears, shot guns and rifles, stenguns, hand grenades and bombs. In some places a novel but most dastardly method of wreaking vengeance upon Sikhs was adopted. Trains were stopped near way side railway stations, Sikhs and sometimes Hindu passengers were made to come out at the point of lethal weapons and were brutally attacked and killed. The Hindus and Sikh version places the number of victims at a very high figures but the official figures available so far are as these:-

	<i>Killed or burnt alive</i>	<i>Injured</i>
Rawalpindi District	2,263	397
Multan District	189	183

The value of properties of Hindus and Sikhs burnt or destroyed in Multan District has been officially estimated at two million rupees, and in Rawalpindi District of one hundred million rupees (1,00,00,000) at least (see Appendix J+). Copy of the letter from the Home Secretary to Government of Punjab to the Punjab Boundary Commission). This created widespread panic and there was wholesale exodus of non-Muslim population because the temper of the Muslim population had arisen so high that no Hindu or Sikh considered himself or herself safe. The number of refugees has been roughly estimated at one hundred thousand. It is alleged that the whole thing was organised. Who undertook the organisational work and what methods they actually employed for conveying their plans from place to place and in

arousing the feelings of the masses is very difficult to say. It was expected that the Government would institute an inquiry into the matter. There was also a demand for this but to no effect. One thing, however, cannot be denied that the main target of attack were the Sikhs. It is suggested that the reason for this was that the Muslim League thought that the Sikhs were the principal obstacle in the formation of the League Ministry and if they had joined hands with it or even if they had refrained from co-operating with the Hindus, it would have easily formed a Ministry of its own. I should think that this complaint was justified, because the Sikhs made no secret of their intention to oppose the installation of a Muslim League Ministry and Master Tara Singh the leader of the Akali Party, in a public speech that he made in Lahore on the 4th emphatically declared that the Sikhs would never allow the Muslim League Ministry to come into existence. Sir Muhammad Zafarullah argued that it was the demonstrations of the Hindus and Sikhs and the provocative speeches made by their leaders that exasperated the Muslim feeling and were the immediate cause of the communal riots. The Hindus and Sikhs on the other hand, urged that they merely gave expression to genuine fears that past experience and the speeches and declarations of the Muslim League leaders extending over a period of several months and created in their minds, and they were perfectly justified in their refusal to submit to a purely communal rule that the League threatened to impose upon them. (Extracts from League leaders' speeches are given as Appendix K). I do not justify the use of violent words whether by one party or the other, but at the same time I cannot help pointing out that the game was started by the League leaders and that with the historical background set out above it is impossible to blame the Sikhs and Hindus, particularly the Sikhs, for firmly opposing the installation of a Ministry to the Muslim League in the Punjab. As regards the effect of the speeches of the Hindu and Sikh leaders and their responsibility for the riots it is significant that though some Mohammandans were killed and injured in the cities and some of their property was also destroyed, nothing happened in the rural areas of the districts in which the Sikhs and Hindus are in majority, with the result that the Muslims continued to live and are even now living in peace in those districts. It will thus be seen that different motives underlay the demand of the Muslims for the vivisection to India and that of the Sikhs for the division of the Punjab into two parts. The Muslim League depended solely upon the fact that they formed the majority of the population of the Provinces which they desired to be made into an independent State. The Sikhs, on the other hand not being in majority in any district or the Punjab demanded that part of it in which the bulk of them lived and which they claimed to be their homeland, be separated from the rest of the Province so that they might escape the communal rule of the Muslims. They knew that unlike the Muslims they could not have a State of their own but they preferred to live in that part of the Punjab which would join the Indian Union rather than the Pakistan. They never relied upon their numerical strength, but stressed that because of certain factors they occupied a special position in the Province and were consequently entitled to a special consideration on the account. These factors are *inter alia*:-

- (1) That they were rulers of the Province immediately before it was annexed by the British Indian Empire;
- (2) that the Central Punjab extending from the boundary of the Ambala Division right up to Chenab was their homeland;

- (3) that the most important of their sacred Gurdwaras were situated in this tract.
- (4) that they owned and tilled the bulk of the land in this part of the Province and paid the largest amount of land revenue; and
- (5) that they had largely contributed in money as well as in labour in the development of the colony area, which was the main source of the wealth of the Province, and they occupied bulk of the land in that area.

They demanded that their solidarity and integrity should be preserved, His Majesty's Government appreciated the attitude taken up by the Sikhs in principle and hence appointed this Commission to demarcate the boundaries of the two parts in which the province is to be divided after taking into account the population factor as well as other factors.

In formulating the terms of reference in the manner they did His Majesty's Government did nothing unusual or extraordinary. History bears testimony to the fact that whenever countries were divided and boundaries were demarcated a large number of factors, such as ethological, geographical, economics, strategies and linguistic were taken into consideration. My learned brother Mr. Justice Mehr Chand Mahajan had referred to a number of authorities and precedents on this point and it is not necessary for me to recapitulate them. The nature of the factors to be considered must naturally vary with the circumstances and requirements of each case. What factors are relevant in the present case it is for us to decide. All that I wish to emphasize at this stage is that in view of the fact that the partition of the Punjab has been taken in hand at the desire of the Sikhs and because of their refusal to live in a purely Muslim State the factor of the first rate importance that demand our attention in this case are the position of the Sikhs in the Province and the effect that the demarcation of boundaries in going to have their solidarity. The total population of the Sikhs in the British Punjab according to the census figures of 1941 is 3,767,401. Out of this 1,683,855 live in the seventeen districts which according to the notional division from the western Punjab and 2,073,546 in the Eastern Punjab. This means that if the notional division is adhered to, and the boundaries are demarcated according to it about 17 lacs i.e. a million and about seven hundred thousand of Sikhs would be left stranded in the Western Punjab, of these 1,368,962 belong to the districts of Gurdaspur, Lahore, Gujranwala, Sheikhupura, Lyallpur and Montgomery which will be the border districts just on the frontier of the two States that are to be sovereign States. To perpetuate this state of affairs would very materially weaken the position of the Sikhs, inasmuch as it would make them politically impotent in both the parts and would be highly unjust to them. This fact was to some extent realised by His Excellency Lord Mountbatten and he gave expression to it in his broadcast of 3rd June 1947. After pointing out that the ultimate boundaries would be settled by the Boundary Commission and they would almost certainly not be identical with those which had been provisionally adopted he observed:

"We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikhs community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary

Commission on which they will of course be represented."

We are all aware that unlike the Muslims and the Hindus, the Sikhs are confined to the Punjab where they were born and flourished and which is their homeland in the literal sense. If any Hindu faces any difficulty in the part of India he can move to another part. The same is the case with the Mussulman. But as far as the Sikhs are concerned whatever might happen to them they cannot leave the Punjab. Accordingly, if the partition of the Punjab into two parts is to do the least injustice to the Sikhs, it is imperative that it should be so demarcated that the solidarity of the Sikhs should be maintained and as few of them as possible should be left in the Western Punjab. The contention that boundaries should be demarcated merely on population basis runs counter to the very reasons for which partition of the Punjab has been conceded. It is mentioned in paragraph 9 of the Statement that the commission is to make a detailed investigation of boundary question. Had the intention been to demarcate the boundaries merely on population basis no detailed investigation by a Commission was necessary and the words that the Commission will also take into account other factors would be simply redundant. I am inclined to think that in that case the whole thing would have been left over a surveyor and it was not necessary to appoint a Commission at all, much less a Commission consisting of five persons possessing considerable judicial experience. Learned Counsel for the Muslim League referred us to the Press Conference held by His Excellency on the 4th June, and he urged that if the solidarity and integrity of the Sikh community and the inclusion of the Sikh shrines in the Eastern Punjab were the factors to be taken into account by the Commission in demarcation of boundaries this would have been clearly stated by His Excellency but he did not do anything of the kind. Now, a perusal of the statement made by His Excellency in the Press Conference and the questions put to, and the answers given by him in that Conference go to show that he did not take it upon himself to elucidate what factors the Commission would take into account in addition to the population. He left the whole matter to the Commission and said nothing from which it can be inferred that the solidarity of the Sikh community and the situation of their shrines were not included among the factors. It is true that he observed that when the resolution of the Congress demanding the partition of the Punjab was brought to notice he sent for a map with the population of the Sikhs marked and he was astounded to find that the plan which they had produced would divide the Sikhs into almost equal halves and he had not been able to find any solution to this difficulty. But he also added that he hoped that the leaders of respective Communities would appoint a committee to draw up the terms of reference of the Boundary Commission which should have representatives of the interested parties on it. It is admitted that the terms of reference as given in His Majesty's order appointing the Boundary Commission were approved by the parties and since the terms lay down that the Commission is instructed to demarcate the boundaries not merely on the basis of ascertaining contiguous majority areas but also by taking into account other factors, it follows that all points urged by the Sikh community in support of their special position have to be considered. If the intention was that they were not to be taken into account this should have been made clear either in the terms of reference or in the Press Conference. The words are "other factors." They include all factors relevant to the question and it cannot be urged with any show of reason that the preserving necessity and integrity of the Sikh communities and the situation of their shrines are not relevant. I should like to refer in this connection to

telegram+ No. 2339-s, dated the 16th July, 1947, that was received by His Excellency the Viceroy from the Secretary of State for India in reply to his telegram communicating to the Secretary of State the protest lodged by Messers Jinnah and Liaquat Ali Khan against the statement made by the Under Secretary of State for India in the recent debate in the House of Commons in which he explained the terms of reference of the Boundary Commission. A copy of the telegram has been forwarded to the Boundary Commission and it is mentioned therein that the Under Secretary's statement was that the provision that other factors would be taken into account had been made by the Prime Minister to enable the Commission to have regard to special circumstances of Sikh community in the Punjab where considerations such as location of their religious shrines can reasonably be taken into account upto a point. It is a pity that the terms are rather vague and the phrase "other factors" has not been defined but it appears to me that it was designedly left vague so that the Commission after hearing the principal parties might decide what factors other than population it would take into account. I also venture to think that it is not open to the Commission to reject any factor put forward before it unless it is totally irrelevant and has no bearing upon the demarcation of boundaries. It is interesting to note that the Ahmadiya community who supported the stand taken by the Muslim League and to which community belongs the learned counsel (Sir Muhammad Zafarullah Khan) who argued solidarity of that community as one of the factor, though at the same time it urged that no other factor excepting the population should be taken into account. It may further be added that while arguing the case for the Bahawalpur State which has also submitted a memorandum to the Commission and urging that the boundaries of the two parts of the Punjab be so demarcated as to safeguard the rights of the State in the waters of Sutlej. Sir Muhammad Zafarullah Khan solely relied upon the factors other than those of population.

It was argued before us that since His Excellency the Viceroy stated both in his broadcast and in the Press Conference that he was unable to find a solution for preserving the solidarity and integrity of the Sikh community, no such solution could be found by the Commission either. All that I wish to say on this point is that most likely His Excellency had before him the population figures of different districts taken from the census of 1941 and nothing else and if the Province had to be divided into two parts merely on the strength of the population taken district wise, surely it was not possible to take the Sikhs out of the difficulty with which they were faced. The Sikhs as mentioned above maintained that population alone could not be the basis of the decision and that even though it was an important basis there were a large number of other factors that must also be taken into account. Further according to the principle enunciated in paragraph 13 of His Majesty's Statement even though a particular community was in majority in one district taken as a whole if it was found that in a substantial part of that district the other community was in majority, that part could be joined to the majority area of the second community provided the condition of contiguity was satisfied. Obviously these questions His Excellency could not determine off-hand and it was with a view to have them properly considered and taken into account that this Commission was appointed.

It was further urged that even though the intention of His Majesty's Government might have been originally to empower the Commission to take into account factors other than the population, the terms of reference as formulated by the Viceroy had narrowed down the scope of the Commission's functions. The argument was that both in the Statement of

His Excellency the Viceroy the words used were "it will also be instructed to take into account other factors," but in the terms of reference the words "in doing so" were added, with the result that the last sentence read as follows:

"In doing so it will also take into account other factors."

If you read the sentence in question appearing in the statement as well as in the terms of reference with the context I do not think there can be any difference in the meaning thereof. The intention that factors other than the population should also be taken into account while demarcating the boundaries is common to the Statements as well as the terms of reference and there is no special significance attached to the word "in doing so", added to the last sentence of the terms of reference. Moreover, I do not believe that there was any reason for His Excellency to narrow down the scope of the Commission functions as expressed in His Majesty's Government's Statement or in his own broadcast statement, nor do I believe that he did so in fact.

Of the other points urged before us in this connection mention need be made of only one, namely, that if the partition of the Punjab results into any kind of injustice to the Sikhs they must put up with it, because of the Punjab is being divided at their instance and not at the instance of the Muslim. If a clear view of all that has happened be taken, the argument would be found wholly devoid of force. It is correct that Sikhs insisted upon the division of the Punjab, but they adopted this attitude only when the British Government conceded the demand of the Muslims that India be divided into two sovereign States. It is common knowledge that despite the fact that their numbers are very small the Sikhs all along supported the position taken up by the Congress that there should be no vivisection of India and the country should be kept intact with a Central Govt. in charge of vital departments such as Defence, Communications etc. The Muslims did not agree to this and insisted that India should be divided and a separate sovereign State consisting of the provinces in which they were in majority should be carved out. The Government though at first opposed to the Muslim demand ultimately gave in and conceded the principle underlying the creation of a Muslim State. It was then that the Sikhs realizing if the whole Punjab formed part of the Pakistan they would be doomed, inasmuch as they would be wholly at the mercy and under the heels of a communal Government of the Muslims of which they had sufficient experience, started agitating for the division of the Punjab. It is, therefore wrong to lay the responsibility for the partition of the Punjab upon the shoulders of the Sikhs. Division of the Punjab is a corollary to the division of India and if there is any community responsible for this it is the Muslims. Furthermore, I cannot understand why the division of the Punjab should necessarily be carried out in such a manner that it must split the Sikh community in almost two equal parts when it can be avoided and in view of our terms of reference that factors other than population basis must be taken into account we are competent and even expected to avoid it.

As regards the Sikhs shrines the argument put forward on behalf of the Muslim League is that if the situation of shrines of communities be regarded as a factor for demarcation of boundaries the Muslims can lay claim to the whole of India because their religious places and shrines are spread throughout the length and breadth of the land. I am afraid the Muslim League has either not cared to understand the sacred character of the Sikh Gurdwaras or it

has deliberately ignored it with a view to place them on the same footing as their religious places situated in different parts of India. In ordinary parlance, the term "Gurdwara" means any place used by the Sikhs for worship. But the Gurdwaras, the situation of which is sought to be used as a factor for demarcation of boundaries, are those places of worship which were either founded by the ten Gurus or were established long ago to commemorate particular incidents that happened during their lives and with which they were connected. It may be pointed out that though the founder of Sikhism was the first Guru (Guru Nanak), and it was the tenth Guru who gave birth to the Khalsa, the Sikhs make no distinction between them and other Eight Gurus, and the cardinal principle of Sikhism is that the same spirit worked in all them, that is to say, each of subsequent nine Gurus was the incarnation of the first Guru, and accordingly they occupy the same position in the eyes of the Sikhs. Now, to the Sikhs the ten Gurus are what Christ is to Christians, Hazrat Mohammad is to the Muslims and the principle gods who are believed to be incarnations of Vishnu are to the Hindus. For this reason the Gurdwaras that were founded by the Gurus themselves or which commemorate incidents connected with them are a class by themselves. It is a mistake to put them on same footing as the religious places founded by or associated with Saints or other religious men howsoever prominent or respected they might be. There are hundreds of Gurdwaras that were established by the Sikh saints or which were built in the memory of Sikh mártys but none of them enjoys the sacred character that reserved for the class mentioned above, and the only shrines of the Muslims that in respect of sacredness and importance can compare with the Gurdwaras of that class are the shrines that stand in Mecca and Medina. There is not a single shrine of the Muslims in India that founded by their prophet or which was built to commemorate any incident in his life, for the simple reason that he lived, worked for his whole life and died in Arabia. Then it should be remembered that it is not merely because of the situation of these shrines that the Sikhs claim the inclusion of certain districts in the Eastern Punjab, but they maintain that there are many other factors that support their case, the most important of them being that these districts are contiguous to the districts which are without doubt non-Muslim majority areas and the total non-Muslim population of these districts taken along with that of the contiguous districts is more than that of the Muslims. This explain the reason why the Sikhs have laid on claim to the districts of Gujrat, Rawalpindi and Attock inspite of the fact that in the first two districts are situate Gurdwaras commemorating the visits of the sixth Guru and in the Third district is situate in the Panja Sahib, the well-known Gurdwara constructed at the place where Guru Nanak spent some time when he went there to visit a Muslim saint of the name of Wali Kandhari and at which is preserved a mark of a palm made by him on a slab of stone. None of these districts is contiguous to the non-Muslim majority areas and the Sikhs cannot very well lay any claim to it. The learned Counsel for the Muslim League waxed eloquent over the situation of monumental buildings and places of art and historical importance built by various Muslim kings at different places in India. None of them can be regarded as a shrine in the sense in which Gurdwaras of the kind with which we are dealing now are, because in spite of the fact that some of them are mosques, a mosque even though built by a powerful and famous monarch still remains a mosque and as regards sacredness it cannot claim any higher status than a mosque constructed by the poorest mortal.

The number of such Sikh Gurdwaras is fairly large but the most important of them are situate in the districts of Sheikhpura, Gujranwala, Gurdaspur, Lahore, and Amritsar.

The Janam Asthan Gurdwara at Nankana Sahib in the district of Sheikhpura commemorates the birth-place of Guru Nanak, the first Guru. Guru Nanak as already stated, is the founder of Sikhism, and as regards sacred character this Gurdwara enjoys a unique place among the Sikhs. It is considered holy of holies. Round about that Gurdwara and within the area of Nankana Sahib there are many other Gurdwaras built to immortalise several incidents that happened during Guru Nanak's early life. All these Gurdwaras have vast landed estates attached to them, the biggest estate being that of the Gurdwara Janam Asthan and around these estates have settled a large number of Sikhs.

It will not be out of place to mention here that when the Akali movement started and the Sikhs showed keenness to take the control of the Gurdwaras in their hands the Mahant who was in possession of the Janam Asthan Gurdwaras at Nankana Sahib and a few other Gurdwaras organised an armed resistance and collected hundreds of Muslim tenants of his estate to give a fight to the Sikhs, and the result was that more than two hundred Sikhs were killed in cold blood and many more were injured. This would show the intensity of the Sikh feeling that centres round the Nankana Sahib Gurdwaras.

Next in importance comes the Har Mandir at Amritsar popularly known as the Golden Temple. It was founded by Guru Arjan, the Fifth Guru and stands in the midst of a huge tank constructed by Guru Ram Das, the Fourth Guru. During the Moghal days this Gurdwara was the central meeting place of the Sikhs and consequently the Mussulmans made several efforts to demolish it. Naturally the Sikhs staked their all to defend this Gurdwara and thousands of them laid down their lives in doing this. There are many other Gurdwaras in and round about Amritsar and during many periods of Sikh history Amritsar and its suburbs remained the centre of Sikh activities. Another big Gurdwara, and a temple bigger in dimensions than Amritsar, is situated at Tarn Taran at a distance of about 15 miles from Amritsar. Goindwal and Khadur Sahib, two important villages of Tarn Taran Tehsil, are the centres of Gurdwaras founded by the second and third Gurus and attract a large number of pilgrims every day and particularly on anniversaries of the incidents which they commemorate.

Of the Lahore Gurdwaras mention need be made of Dera Sahib which stands at the place where Guru Arjan laid down his life in the cause of his mission. It stands quite close to the Fort, which was for long the residence of Maharaja Ranjit Singh after he had established his capital at Lahore, and the mausoleum of the said Maharaja. Thousands of pilgrims flock to the Gurdwara every day and listen to the prayers offered in the morning. The annual fair held to celebrate the day of Guru Arjan's martyrdom attracts lacs of Sikhs from all over the Province. The other notable Gurdwaras in Lahore are the birth place of the fourth Guru inside the walled city and the Gurdwara of the Sixth Guru within the area of Mozang.

In the district of Gurdaspur there is a Gurdwara at Batala to which place belonged Guru Nanak's wife and where his marriage was performed. There are also Gurdwaras of Dehra Baba Nanak and Kartarpur which stand on two different sides of the river Ravi quite opposite to each other. The Kartarpur Gurdwara commemorates the last resting place of Guru Nanak. This Kartarpur should not be mixed up with a town of the same name in the district of Jullundur where stands Gurdwara sacred to the memory of one of the sons the fourth Guru. There are a few other Gurdwaras sacred to the memory of the Ten Gurus in the Gurdaspur District. Two of them are in Gurdaspur Tehsil. The number of important Gurdwaras in

Sialkot is five, two in Sialkot City, one in Salehpur in Sialkot Tehsil and two in the Daska Tehsil. In Gujranwala District there are six Gurdwaras out of which two are in Eminabad in the Gujranwala Tehsil. Of the three Gurdwaras situate in the district of Montgomery one is in Pakpattan Tehsil, one in Dipalpur Tehsil and one in Okara Tehsil. A complete list of all the important Gurdwaras has been supplied by the counsel for the Sikhs.

A perusal of the list would show that there is a Gurdwara at Rohtas in the district of Jhelum, but for reasons similar to those given in respect of Gurdwaras in Gujrat, Rawalpindi and Attock Districts it cannot be taken into consideration for the purposes of demarcating boundaries.

In laying emphasis upon the solidarity of the Sikhs and the location of their sacred shrines I should not be taken to mean that if the boundaries of the two parts are to be demarcated on the population basis, the non-Muslims have weak case. This aspect of the matter has been exhaustively dealt with by Mr. Justice Mehr Chand Mahajan and I do not propose to cover the same ground because I entirely agree with the conclusions that he has reached. I will, however, add a few words but before I do so I would like to emphasise two points - one is that the word "area" used in the terms of reference should not be narrowly construed and, secondly that it should not be lost sight of that the mere fact that an area happens to be a majority area of a particular community would justify its inclusion within the part of the Province in which that community is in majority, unless it is also shown to be contiguous. The relevant words of the terms of reference are "on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims". The Muslim League has taken up the position that a tehsil should be taken as a unit of area, but my own opinion is that this would be unnecessarily limiting the meaning of the word". As I understand "area" means a tract of land and whether we regard a particular tract of land as an area for purposes of demarcating boundaries must depend upon the nature of tract and the tracts surrounding it. No hard and fast rule can be laid down. If a tract of land is surrounded on almost all sides by a much bigger tract inhabited by another community the former even though it happens to be a tehsil cannot be regarded as a majority area of that particular community. Similarly, if a very big tract of a country inhabited by one particular community is cut off from another big tract inhabited by the same community by a tract where the other community lives but much smaller in dimensions in area than the other tracts, it would be wrong to regard the smaller tract as an area for purposes of ascertaining contiguous majority areas.

Districts and tehsils are sub-divisions of the country made not on scientific basis but for purposes of administrative convenience. Accordingly it would not be right to accept them as areas for our present purposes. As regards districts, a reference to paragraph 13 of His Majesty's Government's Statement of 3rd June which deals with the district of Sylhet in Assam and the broadcast of His Excellency the Viceroy would indicate that the intention of the framers of our terms of reference was that tracts smaller than a district could be accepted as areas for purposes of demarcation of boundaries. His Excellency when questioned about that part of the broadcast in which he said that ultimate boundaries of the partitioned provinces would be almost certainly not identical with those which had been provisionally adopted pointed out the case of Gurdaspur in which the population ratio of the Muslims was very slightly above that of the non-Muslims and remarked that it was very unlikely that the Boundary Commission would place the whole of that district in the Muslim majority area. He also referred to a district in Bengal in which population ratio of the non-

Muslims was very slightly above that of the Muslims.

There is however, one thing that should not be lost sight of and that is that in one part of his broadcast His Excellency used the expression "substantial area" and in another "large areas". This in my opinion indicates that a tract of land in order that it may be considered as a majority area of a particular community should not be small area such as a village.

Let us now consider the matter in the light of these observations. So far as Ambala Division is concerned all the districts comprised therein are non-Muslim majority areas and the population of the Muslims in the whole area with the exception of two small parts towards the extreme south is very small. The Muslim League laid claim to a part of Rupar Tehsil in the district of Ambala but it is too small a bit of land to be regarded as an area. Moreover, it is surrounded on all sides by large tracts in which the non-Muslims predominate and it is not contiguous to any other Muslim majority area.

Of the districts constituting Jullundur Division Kangra is almost wholly a Hindu area in which the number of Muslims is quite negligible. The population of the other districts taken as a whole is also predominantly non-Muslim.

<i>District</i>	<i>Total</i>	<i>Non-Muslims</i>	<i>Muslims</i>
Jullundur	1,127,190	617,386	509,804
Ludhiana	818,615	516,133	302,482
Ferozepur	1,423, 076	781,628	641,448
Hoshiarpur	1,170, 323	789,564	380,759

The predominantly non-Muslim character of this division is not denied by the Muslim League but it claims two whole tehsils and parts of a few other tehsils out of the districts of Ferozepur, Jullundur and Hoshiarpur on the pleas that they are Muslim-majority areas and are contiguous to Montgomery District on one side and Gurdaspur District on the other. With the exception of Jullundur all these tracts are riverain tracts and the population therein is so interspersed that it is impossible to hold that any particular area, using the term in the loose sense, is Muslim-majority area or non-Muslim majority area. Out of Fazilka which lies towards the extreme west of the Jullundur Division 236 square miles are claimed. The total area of the tehsil is 1,338 square miles. The boundary line sought to be drawn in order to demarcate this bit of the tehsil would cut the Bikenar canal at five places. Next comes Muktsar towards the north of Fazilka. The area claimed in 351 square miles out of 926 square miles, the total of the tehsil. Both Fazilka and Muktsar are predominantly non-Muslim tehsils and it is not clear what principle the bits claimed by the Muslim league have been parcelled out. It is true that there are a large number of Muslim villages along the river side but even a look at the map prepared by the Muslim League, the correctness of which is not admitted by the other side, would show that non-Muslim villages, which are mostly Sikh villages, are scattered about in the whole area. The same is the case with Ferozepore Tehsil with the difference that non-Muslim area is considerable and it places it goes right up to the river and out up the Muslim area, Zira Tehsil is divisible in two belts, one which is alongside the river is predominantly Muslim and the other towards the south is non-Muslim. The latter adjoins Moga Tehsil which is predominantly a Sikh Tehsil continuity of Muslim belt is broken at several places by well-defined clusters of non-Muslim villages. I have already

remarked that a tehsil cannot be accepted as a unit and if we start marking non-Muslim majority areas from the boundary of Ambala Division and proceed upwards none of the tehsils in the Ferozepore District or even for the matter of that any district in Jullundur Division can be properly described as a Muslim majority area. The Tehsils of Jullundur and Nakodar of the Jullundur Division are contiguous to each other but if we reject the claim of the Muslim League with regard to the Tehsil of the Ferozepore District they are not contiguous to any Muslim-majority area. In the Jullunder Tehsil taken as a whole the Muslims are in majority, the percentage of their population being 51.5 but if we exclude Jullunder city and the neighbouring bastis which are predominantly Muslim and can properly be regarded as a pocket, the majority of population of the rest of the tehsil is non-Muslim. The figures of population are as follows:-

Muslims non-Muslims

Whole Tehsil	226,043	216,587
Jullundur city and bastis.	72,54d2	38,429
The Tehsil excluding the city and bastis.	153,501	178,429

Excess of non-Muslims over Muslims: 28, 571

Not much need be said regarding Dasuya and Hoshiarpur Tehsils of Hoshiarpur district of which only parts are claimed because no plausible principle has been observed in demarcating those parts, and both the tehsils are predominantly Hindu. In Una Tehsil a tract of 34 square miles out of the total area of 690 square miles is claimed and in Shakargarh 70 square miles of out of 511 square miles. It may here be mentioned that the part of Dasuya Tehsil claimed by the Muslim League is to the north of the district and is contiguous to that part of Gurdaspur Tehsil which is predominantly Hindu.

The Lahore Division consists of six districts-Sheikhupura, Sialkot, Gujranwala, Lahore, Amritsar and Gurdaspur. The first three are Muslim majority districts and will be dealt with separately. The other three districts minus those parts of Gurdaspur District which are on the other side of the river Ravi and adjoin the Kangra District form a homogeneous tract and must not be split. Most of this tract is watered by the Upper Bari Doab Canal which takes off the river Ravi at Madhopur. The part of the Pathankot Tehsil which lies between the canal and the Kangra District is really a part of the latter district. It is predominantly Hindu in population and must go with the Kangra District. The tract watered by the canal is *Majha* which is the centre of the Sikh population and in which the Sikhs predominate. The facts and figures are given in detail by my brother Mahajan. J. It is true that according to the census of 1941 there is a slight majority of Muslims over non-Muslims in the Gurdaspur District but those figures are not reliable. In addition the majority of the Muslim population is not such that the district can be described as predominantly Muslim district. I am aware that our terms of reference merely speak of majority, but the intentions of Muslim League leaders when they carried on correspondence about the creation of their separate State as well as the intention of the Congress leaders and the Government when they acceded to their demand was that only the areas in which one community commanded

considerable majority over the other should not be compelled to join that part of the Province in which the other community is in majority. Even if we ignore the fact that Gurdaspur and Amritsar are so liked together that it is impracticable to separate the one from the other, with a very narrow margin of population in favour of the Muslims it would be highly improper to give it to the Pakistan particularly when both the districts have common communications both railway and road and Gurdaspur is the connecting link between Kangra and the Hindu States that lie beyond that district and Amritsar and in fact the whole of India. I wish also to emphasise the fact referred to by Mr. Justice Mehr Chand Mahajan that the nucleus of the Upper Bari Doab Canal was the Hansli, the watercourse constructed by Maharaja Ranjit Singh, for supplying water to the sacred tanks of Amritsar and Tarn Taran and the canal was constructed for the benefit of and by this Sikhs. According to the figures supplied by the Muslim League, Muslims are in majority in the tract watered by the Upper Bari Doab Canal. The statement put in by the other side depicts a different picture. It has not been possible to verify either of those statements and it cannot be said which of them is correct, but it may be pointed out that the Mohammedan figures include the figures relating to the city of Lahore which is situated on one side of the district and the bulk of which with the exception of a small part of the civil lines, is not served by the canal. The total population of the city according to the census of 1941 is 632,136. Out of this 418,594 are Mohammedans. If this be excluded from the population of the whole Upper Bari Doab Canal tract, the percentage of non-Muslim in that tract will be found higher than that of the Muslims. A canal is primarily meant for rural area and while calculating the population of tract watered by it, it is not proper to include the cities in it. It was pointed out by the Counsel for the Muslim League that on the same principle the population of Amritsar should also be excluded. This demand is not justified, because Amritsar is in the centre of the district, but even if it be conceded it would not make any difference because this would not raise the ratio of the Muslim population in the rest of the tract to above 50 per cent.

The Shakargarh Tehsil of the Gurdaspur District which is on the other side of the Ravi has a slight Muslim majority according to the census of 1941. The case of the Congress and the Sikhs is that the figures of that census are altogether unreliable and they have adduced proof of unmistakable character, including the report of the Census Commissioner himself, in support of this contention. The point has been dealt with by Mr. Justice Mahajan and I see no good in elaborating it. All that I wish to say is that to exclude Shakargarh Tehsil from the Eastern Punjab merely because of a slight excess of the Muslim population over the non-Muslims is not justified. In addition Shakargarh Tehsil is surrounded by a tract consisting of a number of villages of Pathankot Gurdapur and Batala Tehsil and part of Narowal Tehsil of the district of Sialkot which is a Hindu majority area. On one side of that area is a part of Jammu State population mostly by Hindu Dogras.

It will thus be seen that on population basis alone that part of the tract comprising the three districts of Gurdaspur, Amritsar and Lahore which is watered by the Upper Bari Doab Canal taken together with the tract comprised of Shakargarh Tehsil and a number of villages of Pathankot, Gurdaspur and Batala Tehsil of Gurdaspur District and a part of Narowal Tehsil of Sialkot District forms a non-Muslim majority area. This area is contiguous to the Hoshiarpur District of Jullundur Division and also be Kapurthala, a Sikh State which has already decided to join the India Union. It extends towards the south-west right upto the boundary of Chunian Tehsil of Lahore District. It is correct that there are four small tracts

in the Gurdaspur District that are not comprised in this area and in these tracts the Muslims are in majority but two of them which are situated in the centre are more pockets, and not being contiguous to any Muslim majority area can claim no consideration. One of these pockets consists of Qadian, the headquarters of Ahmadiya community and a few neighbouring Muslim villages. It was stressed before us that Ahmadiya community deserved a special consideration, because of its religious, educational and other activities and also because of the facts that the founder of the community lived and worked at Qadian and it has important institutions, it was asserted before us that the community consists of about a million persons but no authentic figures were made available to us and it was admitted that it was not shown as a separate community in 1941. Being a sect of Islam the members of the Ahmadiya community could only be classed as Muslims and as such their town and the villages roundabout the town could not claim any better position than any other Muslim tracts on the western side of the Gurdaspur Tehsil lie wedged in between the Hindus majority tracts comprising Shakargarh Tehsil, etc. mentioned above and the rest of the Gurdaspur Tehsil in which the non-Muslims are in majority. Consequently they must also go with the rest of the non-Muslim area.

This leaves us with a narrow riverain belt extending the western corner of Batala Tehsil of Gurdaspur District to the end of the Chunian Tehsil of Lahore District and comprising its north-western part. The city of Lahore and part of Ajnala Tehsil also fall within this belt. The situation of this belt is such that it cannot be conveniently administered apart from the rest of the districts, of the parts of which it is made up, and though the majority of the population therein is Muslim it must go to the Eastern Punjab. Then there is another tract consisting of parts of Chunian and Kasur Tehsil, of Lahore District and small bit of Tarn Taran Tehsil of Amritsar District. It extends down to the Sutlej and forms a wedge between the non-Muslim majority areas of Chunian, Kasur and Tarn Tarn Tehsils on one side and Ferozepore District on the other. In spite of the fact that this is also a Muslim majority area it is really contiguous to the non-Muslim majority areas and must go to the Eastern Punjab. While arriving at this conclusion I have taken into consideration other factors stressed by the Congress and the Sikhs and discussed by my learned brother Mahajan.

The city of Lahore deserves to be discussed separately. There can be no doubt that if population alone is to be taken into consideration it is a Muslim-majority town, but the census figures of 1941 being altogether unreliable the ratio of the Muslims to the non-Muslims cannot be accepted at 64 percent, as claimed by the Muslims but between 54 and 55 per cent. A considerable part of that population is of a floating character, and if that be ignored the probability is that the number of non-Muslims will be just slightly less than that of the Muslims. So in order to be able to decide whether the city should go to that part of the Province to which will go the non-Muslim majority tract irrigated by the Upper Bari Doab Canal or to the west, we are bound to take into consideration the other factors, and if that be done Lahore should be classed as a non-Muslim city rather than Muslims. Almost the entire trade and industry is in the hands of non-Muslims, the bulk of the property also belongs to them and it is they who own and control educational institutions and banks. In addition, it may be pointed out that in this city are situated some of the most important Sikh Gurdwaras and it is the centre of the activities of the Arya Samaj the most dynamic and the highly advanced sect of the Hindus.

After having dealt with Gurdaspur, Amritsar and Lahore Districts which are in Bari

Doab I now come to the districts of Sheikhupura, Gujranwala and Sialkot which are in Rachna Doab. All three of them are Muslim-majority districts but according to the map and the figures supplied by the Congress there runs through them a well defined belt of non-Muslim majority area which is irrigated partly by the Upper Chenab Canal that takes off the river Chenab at Marala and partly by the Lower Chenab that headworks of which are situated at Khanki in Gujranwala District. The Muslim League does not admit the correctness of the data supplied by the Congress and put in a map of their own to show the nature of the population in the whole Doab. Even if we ignore the Congress map and accept the map of the Muslim League as correct we cannot help noticing that there are large tracts in all the three districts in which the non-Muslim are in majority and which lie interspersed between the Muslim majority tracts. According to the Congress and the Sikhs the majority of the population in the tract roundabout Nankana Sahib is Sikh and the whole tract is a non-Muslim majority tract. It consists of a part of Jaranwala Tehsil in Lyallpur District and a part of Gujranwala and Sheikhupura Tehsil and is called Shahidi Bar, that is, the martyrs land, deriving its name from the persons who laid down their lives for the liberation of Nankana Sahib Gurdwaras from the control of the Mahants in 1921. Here also it has not been possible to check up the figures for want of time but this much is clear that notwithstanding the fact that the majority of the population in the three districts is Muslim they can justly be described as forming non-Muslim contiguous area. Accordingly, in order to decide whether these districts should form the Western Punjab or the Eastern Punjab there is no other alternative but to take into account factors other than population. These factors have been enumerated in the memoranda of the Congress and the Sikhs and the most important of them appears to me to be (1) that they form the homeland of the Sikhs (2) that the bulk of the land is owned by the Sikhs (3) that the ratio of the non-Muslim landowners and occupancy tenants and the land revenue paid by them is far more than that of the Muslims (4) that the non-inclusion of these districts in the eastern Punjab will prejudicially affect the solidarity and integrity of the Sikhs, (5) that important Sikh shrines including the shrine of Nankana Sahib are situated therein (6) that in the words of the Gazetteer of Gujranwala District, 1935 (page 16) Gujranwala District was among the first in which Sikh domination was established, it has many associations with the Sikh regime and intimate connection with the fortunes of the Sikh royal family, Maharaja Ranjit Singh was born in Gujranwala and it was to this district that the famous Sikh General Hari Singh Nalwa belonged; some of the ashes of the General lie buried in Gujranwala and (7) that the Sikhs of Gujranwala belong to same stock and possess the same habits as the ordinary peasants of the Central Punjab and are similar in character to them (page 15 of the above mentioned gazetteer). In addition there are economic factors set out in the memoranda of the Congress and the Sikhs and on consideration of all them I should think that these three districts should also go to the Eastern Punjab.

Out of the Multan Division the Congress and the Sikhs have claimed Khanewal Tehsil and a part of Vihari Tehsil of Multan District and the districts of Montgomery and Lyallpur for the Eastern Punjab. I agree that the Sikhs have a vital interest in Vihari and Khanewal Tehsil and they colonized parts of them at considerable expenses and sacrifice. I also concede that in some parts of the tract commanded by the Lower Bari Doab Canal which consists partly of Montgomery District and partly of Multan District non-Muslims are in majority, but I am not prepared to hold that the part is too small to constitute a majority area

and the population of the rest of the area and the areas roundabout the tehsil is predominantly Muslim. Out of Khanewal I agree that only that part which extends from the border of Montgomery District to Mian Channu should be included in the East.

What we are, therefore, left with, are the districts of Montgomery and Lyallpur, two of the most important colony districts, which form the granary of the Punjab and from which the Province derives a substantial portion of its revenues. Before the Government took up the colonization of these districts they formed arid and sandy tracts without any trace of water. Vegetation was scarce except in the neighbourhood of the rivers and nomadic tribes that inhabited the tract, and they were not many, were mostly shepherds. It was indeed a happy idea to harness the waters of the rivers and bring these arid tracts under cultivation but it must not be forgotten that this was done at the cost of other districts like Jullundur and Hoshirpur, and to start with the capital had to be found from the revenue of the Province. The most difficult task, however was to find pioneers who could risk their lives and invest labour and money to break the land which, as the conditions existed then, offered no prospect of cultivation or any produce. It was the Jat Sikh of the central districts who first offered to migrate from his home to the districts of Lyallpur and Montgomery. The difficulties that the early settlers had to face were immense and a large number of people even lost their lives in the attempt. The indigenous population could not be induced to take to cultivation nor did they welcome the advent of the would be colonists, whom they looked upon as trespassers. For a detailed reference to the difficulties of the early settlers reference is invited to Gazetteer of the Chenab Colony, 1904, Volume XXXI A, at page 29. The following passage may be quoted with advantage:-

"The prospect was not at first peculiarly attractive to intending settlers. There was no railway to the colony and they had first to march through a country, nearly as waste as the Bar (waste land) itself and inhabited by tribes which showed little mercy to immigrants whom they would waylay. Many therefore never reached the colony at all. Those who did found the Bar peopled by nomads who neither desired nor expected the canal to be a success and were determined to do all in their power to prevent it being so."

Further the irrigation arrangements, as was only to be expected, were by no means perfect. . . .

Many, therefore, refused to believe that the land was worth cultivating, faced by these difficulties, real or fancied, large number of selected settlers returned to their homes without attempting to cultivate the lands offered to them.

But the trials of early settlers were not quite at an end. Their crop matured, there not sufficient labour available to harvest it and large quantities of cotton were left unpicked.

When harvested there was still the difficulty of disposing of the produce which had to go the same perilous ways by which the settlers came."

The Yeoman's work that the Sikh Jats of the Central Punjab did in the colony area was highly appreciated by the Government as well as by all those who were interested in the prosperity of the Province. The following passage appearing at page 143 of Sir Malcolm Lyall Darlings well known work "*The Punjab Peasant*" forms an interesting reading.

“The influence of the colonies upon the Province can hardly be exaggerated, Lyallpur is the daughter of the Central Punjab, as Shahpur is of the north and of the west and its influence is felt accordingly. From Amritsar alone over 100,000 have migrated to the Bar; and in all the surrounding districts, if a cultivator has a *pukka* house or better cattle than his neighbours, or a deposit in his village bank, or is using improved seed, it is ten to one that he has colony ties or has made money abroad.”

The country roundabout Lyallpur and Montgomery Districts being Muslim majority area it is natural that the Muslims should be majority in these two districts also, but it is interesting to note that out of the total population of 1,396,305 in Layallpur District the Sikhs number 262,737 and in Montgomery out of 1,329,103 the Sikhs are 175,064.

In addition to making money by selling the colony lands the Government also reserved a part of them for grants to persons who had served during the first world war and there are a large number of military grantees in both the districts. In view of these facts it appears to me to be fair and equitable that one of these districts should go to the Eastern Punjab and one should remain in the Western Punjab, and by mutual arrangement between Western Punjab and Eastern Punjab the Sikh colonists and grantees who would be left in the Western Punjab might migrate to the district which would go to the East and the Muslims who would be left in the district which would form part of the Eastern Punjab might go to West. In the early days of agitation for a Muslim State Mr. Jinnah himself advocated exchange of population. This point has not been emphasised by him quite recently, but in order that there may be no dissatisfaction among the respective people exchange of population will have to be considered and I would very seriously recommend it.

There is yet another matter to which attention must be drawn at this stage. While the function of this Commission is to demarcate boundaries between the two parts of the Punjab we cannot forget that these boundaries must be drawn in such a manner that the division that will result therefrom should be an equitable division of physical assets and resources of the Province as they stand at present, particularly that of Crown waste colony lands and the waters of the rivers. According to the notional division the Eastern Punjab practically gets no Crown waste colony land. Out of 90,224 cusecs of water for irrigation in Kharif and 46,294 cusecs in Rabi, the Eastern Punjab according to the notional division gets only 17,613 cusecs in Kharif and 11,371 in Rabi. For detailed figures please refer to Appendix M*). The allocation of one of the two districts which we are considering at present will remove this anomaly.

The respective areas of these districts are:

	Square Miles
Lyallpur	3,522
Montgomery	4,204

The population communities wise are follows:

District	Total	Muslims	Sikhs	Hindus and Others
Lyallpur	1,396,305	877,518	262,737	256,050
Montgomery	1,329,103	918,564	175,064	235,475

It is true that by the inclusion of Lyallpur in the Eastern Punjab more Sikhs would come to that side, but one of the objects being to make more land available to the East. I consider that Lyallpur should go to the West and Montgomery to the East. Moreover, this arrangement would make the demarcation of boundaries easier than the arrangement whereby Lyallpur would be taken away from the West, because Montgomery is contiguous to Lahore and is bounded on the north by the river Ravi which will be better and more natural boundary. I have mentioned above that the inclusion of the whole of Gujranwala and Sheikhupura Districts along with the district of Sialkot in the Eastern Punjab would be more advantageous to the Sikhs, inasmuch as it would reduce the split of their community to the minimum, but I cannot at the same time shut my eyes to the fact that this would also mean the inclusion of a large number of Muslims in the East and it may be objected that this result is opposed to the principle recognised at all hands that no large areas inhabited by a particular community should be forced into the province in which the other community predominates. In order to meet this objection I would draw the north-western boundary of the Eastern Punjab along the river Chenab from where it enters the Punjab, go right up to Khanki and from there turn to the right bank of the lower Chenab Canal up to Nanwana, then follow the bank of the Rakh Branch up to the place where it enters the Lyallpur District, go along the present boundary between the districts of Sheikhupura and Lyallpur right up to the point where Deg Nala joins the Ravi river, then follow the Ravi river and the present boundaries between Lyallpur and Montgomery Districts, turn to Channu, then following first the present western boundary of Montgomery District and then up the banks of the river Sutlej and the present southern boundary of Montgomery District come to Sulemanki where the districts of Ferozepore and Montgomery and Bahawalpur State. This will leave considerable part of Gujranwala District and some part of Sheikhupura district in which the Muslims are in majority to the west and would at the same time bring Nankana Sahib along with the whole of the tract surrounding it, which is a part of the Shahidi Bar mentioned above, in the Eastern Punjab. I have not calculated the figures but I believe that it would raise the number of the Sikhs in the Eastern Punjab to about 31 lacs out of their total population of about 37 lacs in the whole of the British Punjab.

Mr. Justice Mehr Chand Mahajan has followed a different line and though he has included the trans-Ravi Hindu majority area consisting of Shakargarh and parts of Batala and Gurdaspur Tehsils of Gurdaspur District and part of Narowal Tehsil of Sialkot District, he has allowed the rest of Sialkot District almost the whole of Gujranwala District and most of the Sheikhupura District barring a small tract from the river Ravi up to and including Nankana Sahib to the west. I concede that by drawing the boundary line as recommended by him we still further reduce the number of Muslims in the Eastern Punjab, but if I may be allowed to say so with all respect, my learned brother, while restoring the Gurdwaras of Nankana Sahib to the Eastern Punjab, has omitted to take into consideration the zail of Khairpur of which Nankana Sahib's estate is a part and also a number of other zails surrounding that estate, in which the non-Muslims are in majority. These zails are Mohlan,

Inoana Manawala of Sheikhpura Tehsil and Hattarwali, Jaranwala, Pauliani, Jassuana, Awagat, Satiana and Rodu Karu of Lyallpur District. The position of most of these zails is shown in the Muslim League's own map No. 19. If practically the whole of Gujranwala and Sheikhpura Districts are to be given to the West because of their being Muslim majority areas, the non-Muslims zails contiguous to and surrounding the Nankana Sahib Gurdwara and the estate attached to them must go to the East. The only objection that can possibly be raised against this that Khairpur Zail and the Zails of Dharam and Natha which lie between the estate of Nankana Sahib and the river Ravi are Muslim-majority zails, but they comprise only a short area and if Nankana Sahib Gurdwara is to be given to the Eastern Punjab, and I maintain that it must be given, these zails should also go to the Eastern Punjab; otherwise there will be no connecting link between Chunian and Nankana Sahib. I, therefore, suggest that if the line proposed by Mr. Justice Mahajan is to be accepted the boundary of the Nankana Sahib tract should be so modified as to include all the above mentioned zails. Even at the risk of repeating what I have already emphasised I cannot help observing that most important factors that must be taken into account by us in addition to the population basis are the necessity of preserving the solidarity and integrity of the Sikhs and the situation of their principal shrines, amongst which Nankana Sahib Gurdwara occupies the first and the foremost place. For the solidarity of the Sikhs it is essential that districts of Gurdaspur, Amritsar and Lahore which is situated the *Majha* tract irrigated by the Upper Bari Doab Canal along with the whole of the Division of Jullundur should go to the Eastern Punjab. Nothing short of this would satisfy the Sikhs and any scheme of demarcating the boundaries which does not ensure to the Sikhs their minimum demands would leave them sullen and highly discontented and may result in serious trouble in the future. I am not oblivious of the fact that any modification of the notional division and the extension of the boundaries of the Eastern Punjab towards the west must result in the inclusion of a large number of Muslims in the East, but this does not subject them any real hardship, because even according to the notional division as many as 3,853,573 Muslims are in the Eastern Punjab and the Muslims that will be left in the Western Punjab will be able to take care of themselves as they will be in an overwhelming majority. In this respect the position of the Sikhs is absolutely different from that of the Muslim community as it has not even been urged that the division of the Province into two parts as proposed by me or by Mr. Justice Mahajan would split the Muslims in such a way as to affect their solidarity in either part of the Province.

Before concluding I wish to mention one other fact. The leaders of the Muslim community who are in a position to speak on behalf of the future Government of Pakistan and the various Provinces that are to constitute that State have given assurances that the minorities will be given every protection and their religious rights, culture, customs, etc., will be safeguarded. I have no reason to think that these gentlemen are not sincere and I hope that they will make every effort to translate their words into action and they would succeed in this. At the same time I cannot very well ignore what has happened only recently and what is happening even now. The mentality of an average Muslim towards his non-Muslim compatriot has undergone a change and this with the background of the events narrated by me above has created a genuine feeling of insecurity among the non-Muslims in the parts of the country which are to form the Pakistan. The result is that a large number of non-Muslims, rich and poor, have deserted their homes and have migrated towards the east. One

cannot describe the hardships to which the refugees - men, women and children with practically nothing to live upon, have to suffer, but instinct for life is so strong that they have all borne it with resignation. This exodus continues unabated and will surely increase after the 15th August when the Punjab will have been permanently divided as a result of the boundaries to be demarcated by this Commission. It is our bounden duty to make notice of this fact and try our best to alleviate the consequences that must result therefrom. This aspect of the matter was discussed before us in the course of arguments. The only answer that the learned counsel for the Muslim League had to it was that there might be a similar exodus of the Muslim population from the Eastern Punjab to the west. I have no hesitation in saying that this hesitation is unfounded, first because not only past history but even what has happened since March last has demonstrated that the non-Muslims in the Punjab are either by nature reluctant to indulge in doings of the kind that were witnessed in the districts of Rawalpindi, etc., or they are incapable of doing so. We were referred to Bihar, but it is a far cry from Bihar to the Punjab and in no districts in the Punjab where the Sikhs and Hindus are in majority have the Muslims been molested. It is for this reason that the Muslims are living peacefully in their homes and they will continue to do so in spite of what might happen in the Muslim Province. Accordingly, while demarcating boundaries we must include sufficient parts of the country in the Eastern Punjab wherein the non-Muslims of the western Punjab might come and settle down but according to the notional division the area of the Eastern Punjab is not even proportionate to its present population, the ratios being as follows :-

Population - 41 per cent

Area - 35.6 per cent.

It may also be noted that apart from high density of population, with which the Eastern Punjab is suffering, there is also scarcity of food and the conditions must grow worse to the detriment of the entire population if no provision is made for more space.

Memoranda were submitted to the Commission by Indian Christians, Anglo-Indians, alleged representatives of the depressed classes and the States of Bahawalpur and Bikaner. As regards the States they urged that they were only interested in the water of the Sutlej and headworks from where the canals which water their lands situate in the States took off should go to a particular part of the Punjab, because they apprehended that if they went to the other part their supply of water would be endangered. I do not think that this is a matter within our jurisdiction and the States must be left to safeguard their interests by entering into treaties with the Government of the part to which the headworks may ultimately go. As regards the Christians, Anglo-Indians and depressed classes Mr. Justice Mehr Chand Mahajan has dealt with them and I have nothing to add to what he has said on the point except that they are all non-Muslims and according to our terms of reference the areas inhabited by them must be considered non-Muslims areas for purposes of allocation of boundaries.

Sd. TEJA SINGH

SIMLA

The 4th August, 1947.

Refugee Problem

*Minutes of the Fifteenth Meeting of the Partition Council held on Tuesday,
the 5th August, 1947*

Partition Proceedings Vol.IV p. 372-392

PRESENT

His Excellency the Viceroy

Mr. Mohammad Ali Jinnah

The Honourable Mr. Liaquat Ali Khan

The Honourable Sardar Vallabhai Patel

The Honourable Dr. Rajendra Prasad

The Chief of Viceroy's Staff

Mr. H.M. Patel

Mr. Mohammad Ali

Mr. K.V.K. Sundaram (cases nos. PC/120/15/47 to 125/15/47 only).

Mr. S.B.R. Cooke

Mr. Osman Ali

Lt. Col. V.F. Erskine-Crum.

Case No. PC/117/15/47
REFUGEES

The Hon'ble Mr. Liaquat Ali Khan requested that this item be taken up at the next meeting of the Council as he had not had sufficient time to study the papers. He gave the assurance, however, that so far as Pakistan was concerned everything that was humanly possible would be done for the relief and welfare of refugees in the Dominion. There would be a certain amount of difficulty in organising the appropriate measures in the N.W.F.P. and the Punjab as Muslim League Ministers were not yet in power in those Provinces. Initially, therefore, that is, immediately after the 15th August, it might not be possible to make satisfactory arrangements. Continuing, he said that the question of refugees from the States should also be considered. There had recently been serious trouble in Alwar State and 200 refugees - men, women and children - from that place had arrived in Delhi yesterday. His information was that the Alwar State troops had not extended effective protection to the life and property of residents of the State. Something should be done to make the States realize fully their responsibilities in the matter. His Excellency said that he would call for a report from the Resident in Alwar and send a detachment of the Crown Representative Police there, if necessary.

His Excellency said he would have a statement for the Press prepared on the subject of refugees and the steps which the two dominions proposed to take for their welfare and security which might be considered when this subject came up again for consideration at the next meeting of the Council.

The following note deals with the problem of refugees.

2. As a result of communal disturbances, a large number of Muslims and non-Muslims have migrated, the former from Bihar and Eastern Punjab, and the latter from Bengal, the N.W.E.P. and the Western Punjab. Apart from these, there is a considerable number of people in all these areas who have been rendered destitute and who are living in camps organised by Provincial Governments and charitable organizations. With a view to arresting further exodus and to encouraging the return of those who have already left, it is suggested that the two Dominion Governments should agree to take following action in regard to refugees:-

- (1) The refugee camps for Muslims in India and for non-Muslims in the Pakistan Dominion should be retained and the respective Dominion Governments should be made responsible both for the purpose of administration and finance.
- (2) Arrangements should be made to enable officers of the two Governments to visit the affected areas and refugees in the two Dominions and to discuss from time to time with local officers matters relating to any programme of relief and rehabilitation that might be evolved.
- (3) No arrangements have so far been made for the management of refugees' property. So long as the local population of the majority community in villages and towns maintain a hostile attitude, it is obviously impossible for the refugees to return and look after their property. It is, therefore, essential that managers at suitable level should be appointed for the administration of refugees' property in the various areas.
- (4) Machinery should be set up, where this has not already been done, by the Provincial Governments -
 - (i) for the assessment of damage to both movable and immovable property of the minorities; and
 - (ii) the grant of relief or compensation to those who have suffered.
- (5) In order to restore confidence among the minorities, it is suggested that the following steps should be taken:-
 - (a) speedy investigation of cases and prosecution of offenders;
 - (b) realisation of collective fines imposed. It would be desirable not to remit such fines as the psychological effect of any such action would be grave indeed.
 - (c) village officials, e.g., zaildars, Safaidposhis, Lambardars and local officials such as Tehsildars and Sub-Inspectors of Police should be made personally responsible for the safety and protection of minorities resident in their respective areas; and
 - (d) every effort should be made to persuade shop keepers, traders, professional people such as lawyers, doctors, etc. etc. to 'stay put.'
- (6) Rehabilitation measures should be initiated by the two Dominions so as to encourage the return of refugees and a evacuees to their respective homes.

Sir G.E.B. Abell to Sir Evan Jenkins

I.O.R. M.B. 127

5 August 1947

SECRET

My dear Jenkins

Thank you for the personal letter you sent with Savage.

I heard Savage's story at breakfast and then passed it on to H.E. He was having a Partition Council this morning and decided at the end to keep back Jinnah, Liaquat and Patel and got Savage to tell them the story.

Savage told the story very well and it made a considerable impression. After some discussion it was agreed that it would be necessary to arrest Tara Singh and the more hot headed of the Sikhs. The only question was when this should be done. H.E. suggested that probably it would be best to do it at the same time as the announcement of the Boundary Commission's award. He pointed out that if it was done beforehand the trouble would probably spread and the announcement of an unfavourable award would make conditions even worse on 15th August than they will be if these men are arrested on 12th.

It was agreed that there would have to be a common policy in the matter and H.E. said he would ask you to discuss the matter with Sir Chandulal Trivedi and in due course with the Premier of East Punjab and the Premier (as soon as he is chosen) of the West Punjab.*

It was recognised that you might wish for a little more time to consider the matter and possibly after your discussions to make other recommendations, but it was definitely the view of the meeting that

- a) the arrests should be made, and
- b) that they should not be made for a week or so.

Yours sincerely,
(G.E.B. ABELL)

His Excellency,
Sir Evan Jenkins, KCSI, KCIE

* For more details see Document 243 & 244.

Report of Mr. Justice Din Mohammad
August 5, 1947

Partition Proceedings Vol.VI p. 235-263.

Seven years ago in the city of Lahore the All India Muslim League, the sole political organisation representing the real feelings of the Indian Muslims, unequivocally expressed the desire of the Muslims to have a separate State of their own carved out of India not only for safeguarding their culture and religion but also for the sake of preserving their very existence. The period that has followed since has been generally marked by insistence on their side and resistance on the part of the non-Muslims. Ultimately on the 8th March, 1947, the All-India Congress Committee passed a resolution which *inter alia* stated:

“These tragic events have demonstrated that there can be no settlement of the problem in the Punjab by violence and coercion and that no arrangement based on coercion can last. Therefore, it is necessary to find a way out which involves the least amount of compulsion. This would necessitate a division of the Punjab into two Provinces so that the predominantly Muslim part may be separated from the predominantly non-Muslim part.”

On the 2nd April 1947, both the Hindus and Sikh members of the Central Legislature from the Punjab addressed a letter to the Hon’ble Pandit Jawahar Lal Nehru, Vice-President, Interim Government, New Delhi, with a request that their submissions be endorsed by him and communicated both to His Excellency the Viceroy and to His Majesty’s Government for “their urgent consideration and immediate action.” In this letter among other things it was observed:

“The Muslims and non-Muslims are almost equally balanced and no Government can carry on without the support of the three communities. Fortunately the population of the Province is so divided that there are distinct and contiguous areas where Muslims and non-Muslims predominate. We have given anxious and deep thought to this problem. After considering all its pros and cons, we have come to the conclusion that the only way out of the present deadlock is to partition the Punjab into two Provinces.”

This period synchronized with arrival in India of the present Viceroy who from the very first day engaged himself right earnestly in finding out a satisfactory solution of the complicated problem with which he was faced. On the one hand the Muslim League demanded the partition of India and on the other the Indian National Congress with equal force demanded the partition of the Provinces of the Punjab and Bengal. Ultimately a solution was found which was incorporated in the announcement made by His Majesty’s

Government on the 3rd June, 1947.* The following observations made therein are relevant to our investigation:

- (1) The Provincial Legislative assemblies of the Punjab and Bengal (excluding European members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population of districts the 1941 census figures will be taken as authoritative. The Muslim-majority district in these two Provinces are set out in appendix to this announcement.*
- (2) This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of those Provinces a detailed investigation of boundary question will be needed. As soon as a decision involving partition has been taken for either Province (Bengal and the Punjab), a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Until the report of a Boundary Commission has been put into effect the provisional boundaries indicated in the appendix will be used."

The Appendix referred to above specified the following districts as the Muslim-majority district in reference to the Punjab:-

I. Lahore Division

1. Gujranwala.
2. Gurdaspur.
3. Lahore
4. Sheikhpura.
5. Sialkot.

II. Rawalpindi Division

1. Attock.
2. Gujrat.
3. Jhelum.
4. Mianwali.
5. Rawalpindi.
6. Shahpur.

III. Multan Division

1. Dera Ghazi Khan.
2. Jhang.

* (See document no.55).

3. Lyallpur.
4. Montgomery.
5. Multan.
6. Muzaffargarh.

The publication of this statement in India was preceded by broadcast (See Document no. 54) by His Excellency the Viceroy in the course of which he made the following important observations:-

1. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission plan or any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.
2. But when the Muslim demanded the partition of India the Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument unassailable. In fact neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other.
3. We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab which they themselves desired cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will be of course represented.

On the following day His Excellency addressed a Press Conference in which he first fully explained the implications of the announcement made by His Majesty's Government and afterwards answered questions which the representatives of the Press put to him in connection both with his broadcast on the 3rd June and the statement made that morning.

In the statement made by His Excellency the following passages need special attention:-

1. "All the Muslim League leaders to whom I spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in my mind, my next point to see whether the Congress would agree to abandon the principle of unity for which they had stood for so long to the extent of allowing those areas that did not wish to stand for unity to form a separate constituent assembly. I found that they stuck to the principle of non-coercion. They said that any Province or area which did not wish to come into the existing Constituent Assembly could form a separate Constituent Assembly, but they very naturally insisted that no large non-Muslims areas should be brought into the New Constituent Assembly. When I spoke to Mr. Jinnah and the other Muslim League leaders on that point they were of course as much distressed as the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of

- course, the idea was that if Assam was to be partitioned then Sylhet and possibly contiguous areas in which there is a definite Muslim-majority should be separated.
2. There are two main parties to this plan the Congress and the Muslim League but another community has of course to be considered. I found that it was mainly at the request of the Sikh community that the Congress had put forward the resolution on the partition of the Punjab and you will remember that in the words of that resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was therefore on that resolution which the Sikhs themselves sponsored that this division has been provided for. I was not aware of the details when this suggestion was made but when I sent for them and studied the distribution of the Sikh population under the proposal I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a Committee which will draw up the terms of reference for the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of all the parties. So far as it is humanly possible there will be no interference or dictation by the British Government. On a question being put to His Excellency as to what provisions had been made by him in plan to keep the integrity of the Sikh people intact he remarked:-

“It must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the resolution in the form they wanted. They wanted the Punjab to be divided in two predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs, I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician. I am an ordinary human being. I believe it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision on any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition.”

To another question put to His Excellency the reply that he gave was reported by the leading newspapers of the country in the following terms:-

“His Majesty’s Government could hardly be expected to subscribe to the basis of landed property, not at all events, this British Government.”

Subsequently on the 1st July, 1947, the Reforms Commissioner of the Government of India made the following announcement:-

“There shall be two Boundary Commissions, one for Bengal and the other for the Punjab. The terms of reference for the two Commissions shall be as follows:-

For the Punjab the Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.”

These terms of reference were evidently settled by a Committee which was presided over by His Excellency the Viceroy and on which the major political parties were fairly represented, and it is obvious that in spite of the interpellations on behalf of the Sikhs in the Press Conference the terms of reference did not go further than what had already been stated by His Majesty's Government in their announcement of the 3rd June.

The first question that falls for consideration, therefore, is how is this Commission expected to discharge its functions. In other words, what is to be the determining factors in the demarcation of the boundaries between the two Provinces into which the Province of the Punjab as it existed under the Government of India Act, 1935, is to be divided. Under the Indian Independence Act which has been recently passed by the British Parliament these two Provinces are to be known as West Punjab and East Punjab. The former will be included in Pakistan and the latter in India.

The resolution of the All India Congress Committee, the announcement made by His Majesty's Government, the broadcast of His Excellency the Viceroy and observations made by him in the Press Conference all point to this conclusion that the fundamental principle accepted by the major political parties for the division of India as well as of the two Provinces of the Punjab and Bengal was the ascertainment of the contiguous majority areas of Muslims and non-Muslims and their arrangement in such a manner as to ensure that no inhabitants of a majority area of one community were placed in an area in which the other community was in a majority. Mr. Setalwad has contended that inasmuch as the terms of reference were formulated only on the 1st July, 1947, any settlement was made prior to that date by whomsoever it may have been is altogether irrelevant to the present investigation and consequently no undue emphasis can be laid on the factor of population. This contention, however, cannot prevail. The terms of reference, as stated above, followed the course laid down by His Majesty's Government in their announcement of the 3rd June and inasmuch as that announcement proceeded on the basic principle settled between the major parties, no such interpretation can be put upon them as may be inconsistent with or repugnant to the previous negotiations between the major political parties *inter se* or between them on the one hand and the British Government on the other. To hold otherwise would shake the very foundation of the settlement arrived at between the two contending parties and open the door for not only charging those responsible for the change with bad faith but also for internecine strife which it was intended to avoid.

The principal task of the Boundary Commission, therefore, is to ascertain the contiguous majority areas of Muslims and non-Muslims. The proposition that majority can only be determined by the counting of heads and by no other means is indisputable and so is the fact that contiguity means adjacency and nothing else. In the course of his arguments Mr. Setalwad read the definition of the term “contiguity” from Murray's *Oxford Diction-*

ary, Volume II, and urged that though its principal meaning implied actual contact, in a loose use of the term this was not essential and that more close proximity without actual contact would be enough. Counsel for the Sikhs also adverted to this matter and relied in this connection on an illustration given by the Ahmadiyah community in its memorandum. In my judgement, however, even if it were permissible in the English language sometime to use this term in a loose sense, it could not have been so used in a State document which settled the destinies of millions of people for ages to come. Otherwise such elements of indefiniteness and arbitrariness will be introduced in the actual demarcation of boundaries as would make the task of the Commission almost impracticable.

In ascertaining the contiguous majority areas of Muslims and non-Muslims, it should further be remembered that though the word "Muslims" stands in need of further clarification as it connects all the followers of Islam, the term "non-Muslims" covers not only Caste Hindus and Sikhs but also all other inhabitants of the Province who do not profess the religion of Islam, e.g., Christians, Scheduled Castes, Jains Ad-Dharmis and others. The character of a non-Muslim majority area, therefore, will be materially affected if any one of the non-Muslim communities like Scheduled Castes or Christians castes or Christians casts its balance the other way. Take for instance the district of Gurdaspur. As it stands the difference in favour of the Muslim is 2.8. If, however, the Christians who are 4.4 of the total population of the district do not choose to live with the remaining non-Muslims, but, on the other hand, express an unequivocal desire to remain in the West Punjab, the present percentage of non-Muslims in whole district is reduced to 43.8 and the difference that results there from jumps upto 11.6. Take again Dasuya Tehsil of the District of Hoshiarpur. The Scheduled Castes and Ad-Dharmis taken together aggregate about 30,000 and represent 10.9 of the total population. If even one half of them segregate themselves from the Hindus, the scales are at once turned against the non-Muslims, who from 51.8 are reduced 46.3, and the resultant difference between Muslims and non-Muslims swings in favour of the Muslims to the extent of 7.4.

Turning now to the main problem, we find that so far as the Districts Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur, Dera Ghazi Khan, Jhang, Muzaffargarh and the bulk of Multan are concerned, the Indian National Congress has laid no claim to them; nor has the Muslim League challenged the right of non-Muslims to hold the Districts of Rohtak, Hissar, Karnal, Gurgaon, Simla and Kangra together with some parts of Ambala, Ludhiana, Ferozepore, Jullundur, Hoshiarpur and Gurdaspur. The dispute on behalf of non-Muslims, therefore, is confined to the Districts of Gurdaspur, Lahore, Gujranwala, Sialkot, Sheikhupura, Lyallpur and Montgomery, and on behalf of Muslims to the Districts of Amritsar, Ludhiana, Ferozepur, Jullundur, Ambala and Hoshiarpur.

Now even a cursory glance at the population figures reveals that the Districts of Lahore, Gujranwala, Sialkot, Sheikhupura, Lyallpur, Montgomery and Multan can in no circumstances either in whole or in part be taken out of the category of Muslim majority areas, and that the District of Gurdaspur too must remain in West Punjab, even if the non-Muslims have a majority in the Pathankot Tehsil.

Lahore - The population of the District of Lahore and its three tehsils, i.e. Lahore, Chunian and Kasur is as follows:-

Community	Lahore District	Lahore Tehsil	Chunian Tehsil	Kasur Tehsil
Hindus including Scheduled Castes.	284,351	193,538	56,222	34,591
Sikhs	310,646	103,312	83,888	123,446
Christians	70,317	39,900	11,895	18,552
Ad-Dharmis	338	176	71	91
Jains	1,951,	1,095	47	809
Muslims	1,027,772	552,907	237,829	237,036
Total	1,695,375	890,928	389,952	414,495

In other words, Muslims in the Lahore District are 360,169 more than all the other communities combined and thus constitute 60.6 per cent of the total population. The percentage of Muslims in the tehsils is as given below:-

	percent
Lahore	62.05
Chunian	60.99
Kasur	57.02

From whatever point of view therefore the matter is considered the Muslims are in an overwhelming majority in this district.

Similar is the case with the remaining districts of Gujranwala, Sialkot, Sheikhupura, Lyallpur, Montgomery and Multan as the following figures relating to their population would show.

Gujranwala: The population of the District of Gujranwala and its three tehsils, i.e., Gujranwala Wazirabad and Hafizabad, community-wise is as follows:-

Community	Gujran-wala District	Gujran-wala Tehsil	Wazirabad Tehsil	Hafizabad Tehsil
Hindus including Scheduled Castes	107,887	58,242	22,355	27,290
Sikhs	99,139	76,035	13,543	9,561
Christians	60,829	44,614	11,979	4,236
Ad-Dharmis	1,673	1,512	114	47
Muslims	642,706	285,845	157,961	198,900
Total	912,234	466,348	205,952	240,034

The percentage of the Muslims population in the district and the three tehsils is as under:-

Gujranwala District	70.4
Gujranwala Tehsil	61.3
Wazirabad Tehsil	76.7
Hafizabad Tehsil	82.9

Sialkot: The population of the district of Sialkot and its four tehsils i.e. Sialkot, Pasrur, Narowal and Daska, community-wise is detailed below:-

Community	Sialkot District	Sialkot Tehsil	Pasrur Tehsil	Narowal Tehsil	Daska Tehsil
Hindus including Scheduled Castes	231,114	103,942	44,059	54,330	28,783
Sikhs	139,409	25,306	26,031	46,694	41,373
Christians	77,301	19,066	14,705	19,352	24,178
Ad-Dharmis and	3,455	2,945	110	240	160
Muslims	739,218	241,050	166,519	146,982	184,212
Total	1,190,497	392,764	251,424	267,598	278,711

The percentage of Muslim population in the district and its four tehsils is as follows:-

per cent

Sialkot District	62.0
Sialkot Tehsil	61.4
Pasrur Tehsil	66.2
Narowal Tehsil	54.9
Daska Tehsil	66.09

Sheikhupura: The population of Sheikhupura District and its three tehsils, viz., Sheikhupura, Nankana Sahib and Shahdara community-wise, is as given below:-

Community	Sheikhu- pura District	Sheikhu- pura Tehsil	Nankana Sahib Tehsil	Shahdara Tehsil
Hindus inclu- ding Scheduled Castes	77,740	37,360	19,665	20,725
Christians	60,055	34,405	6,157	19,493
Sikhs	160,706	94,882	31,562	34,262
Ad-Dharmis	11,442	8,330	2,976	138
Jains	221	211	8	
Muslims	542,344	201,101	174,787	166,456
Total	852,508	376,829	235,145	241,074

The percentage of the Muslim population in the district and the three tehsils is as follows:-

	Per cent
Sheikhupura District	63.6
Sheikhupura Tehsil	53.5
Nankana Sahib Tehsil	74.3
Shahdara Tehsil	69.05

Lyallpur: The population in the District of Lyallpur and its four tehsils, viz., Lyallpur, Samundri, Toba Tek Singh and Jaranwala community-wise, is detailed below:-

Community	Lyallpur district	Lyallpur Tehsil	Samundri Tehsil	Toba Tek Singh Tehsil	Jaranwala Tehsil
Hindus inclu- ding Scheduled Castes	162,295	61,583	28,383	45,683	26,645
Sikhs	262,737	89,629	40,690	53,233	79,185
Christians	51,956	21,577	8,635	16,452	4,292
Ad-Dharmis	41,764	11,817	5,477	9,8921	5,578
Jains	35	34	--	1	--
Muslims	877,518	221,333	217,359	271,144	167,682
Total	1,396,303	495,973	300,544	396,405	293,383

The percentage of Muslim population in the district and its four tehsils is as given below:-

	Percent
Lyallpur District	62.8
Lyallpur Tehsil	54.5
Samundri Tehsil	72.3
Toba Tek Singh Tehsil	68.4
Jaranwala Tehsil	57.1

Montgomery: The population of Montgomery district and its four tehsils, i.e., Montgomery, Okara, Dipalpur and Pakpattan community-wise, is detailed below:-

Community	Mont-gomery. Distt	Mont-gomery Tehsil	Okara Tehsil	Dipalpur Tehsil	Pakpattan Tehsil
Hindus including S.C.	191,182	59,229	37,646	37,617	56,590
Sikhs	175,064	55,258	39,682	26,077	54,047
Christians	24,460	12,559	8,325	317	3,259
Ad-Dharmis	19,784	11,789	3,362	26	4,607
Jains	49	33	10	26	4,607
Muslims	918,564	289,161	203,602	210,835	214,966
Total	1,329,103	428,029	292,627	274,972	334,475

The percentage of Muslim population in the district and its four tehsils is as given below:-

	Per cent
Montgomery District	69.1
Montgomery Tehsil	67.6
Okara Tehsil	69.5
Dipalpur Tehsil	76.7
Pakpattan Tehsil	64.5

Multan: The District has a total population of 1,484,333 of which Muslims are 1,157,911 and thus represent 78 per cent of the total population. The Indian National Congress and the Sikhs have claimed parts of Mailsi and Khanewal Tehsils of this district but there too the Muslims are in a majority as shown below:-

Mailsi

Total population	281,109
Hindus including	
Scheduled Castes	40,993
Sikhs	21,131
Christians	2,681
Ad-Dharmis	2,873
Jains	18
Muslim	213,413

Khanewal

Total population	252,471
Hindus including	
Scheduled Castes	38,975
Sikhs	24,380
Christians	9,257
Ad-Dharmis	2,933
Jains	34
Muslims	176,892

Thus even standing by themselves the Muslims constitute 75.9 per cent of the population of Mailsi and 70.1 of the population of Khanewal and so far as the remaining tehsils of the district of Multan are concerned, the percentage of Muslim is even much higher.

It remains now to examine the statistics of the district of Gurdaspur. It is not disputed by the Indian National Congress that on the basis of 1941 census the percentage of the Muslims is 51.14 and that of the non-Muslims 48.86. The difference, therefore, is not .8 as was stated by His Excellency the Viceroy in the Press Conference but 2.28 and this obviously is not negligible.

This district is divided into four Tehsils, i.e., Gurdaspur, Batala, Shakargarh and Pathankot, and the community wise population of the district is as follows:-

Community	Gurdaspur Tehsil	Gurdaspur Tehsil	Batala Tehsil	Shakargarh Tehsil	Pathankot Tehsil
Hindus in- cluding S.C.	283,192	59,970	33,433	116,553	376,227
Sikhs	221,261	76,695	116,413	20,573	7,580
Christians	51,528	23,323	20,753	4,779	2,673
Ad-Dharmis	7,582	302	177	---	7,103
Jains	25	22	---	---	3
Muslims	589,923	171,498	209,277	149,600	59,548
Total	1,153,511	328,819	380,053	291,505	153,134

The percentage of Muslim population in the four tehsils is as stated below:-

	Per cent
Gurdaspur Tehsil	52.1
Batala Tehsil	55.06
Shakargarh Tehsil	51.3
Pathankot Tehsil	38.8

The Muslims, therefore, though in majority in the district as a whole are in minority in the tehsil of Pathankot.

This finishes the list of the Muslim majority district as mentioned in the appendix to His Majesty's Government's announcement, but it does not exhaust the list of those areas which on the basis of contiguity as well as that of majority can justifiably be attached to West Punjab. The most conspicuous among them are Ferozepur and Zira Tehsils of the District of Ferozepur, Nakodar and Jullundur Tehsils of District Jullundur and Ajnala Tehsil of the District of Amritsar.

The population of these tehsils community-wise is as follows:-

Community	Ferozepur Tehsil	Zira Tehsil	Nakodar Tehsil	Jullundur Tehsil	Ajnala Tehsil
Hindus in- cluding Scheduled Castes	52,749	15,168	33,167	81,080	15,415
Sikhs	70,782	50,209	52,037	86,996	67,986
Christians	4,868	3,812	938	4,905	12,709
Ad-Dharmis	771	3,695	6,599	42,638	...
Jains	745	349	124	768	...
Muslims	160,371	137,586	135,928	226,623	140,939
Total	290,286	210,819	228,783	443,010	237,049

The percentage of Muslim population in these tehsils is as stated below:-

	Per cent
Ferozepur Tehsil	55.2
Zira Tehsil	65.2
Nakodar Tehsil	59.4
Jullundur Tehsil	51.1
Ajnala Tehsil	59.4

It is clear, therefore, that the Muslims are in a majority in these tehsils and a glance at the map obviously establishes their contiguity as well inasmuch as the Tehsil of Ferozepur is contiguous to that Kasur, the Tehsil of Zira is contiguous to that of Ferozepur, the Tehsil

of Nakodar contiguous to that of Ferozepur, the Tehsil of Nakodar is contiguous to that of Zira and the tehsil of Jullundur is contiguous to that Nakodar. So far as the Tehsil of Ajnala is concerned, it is contiguous not only to the Tehsils of Batala and Gurdaspur on the once side but also to those of Narowal and Lahore on the other.

Besides the tehsils mentioned above, there are other smaller areas which are also contiguous to the Muslim majority areas and in which the Muslims preponderate. They are marked with green lines in the map submitted by the Punjab Muslim League and are portions of the Tehsils of Fazilka and Muktsar in the District of Ferozepur, of the Tehsils of Jagraon, Ludhiana and Samrala in the District of Ambala, of the Tehsil of Amritsar in the District of Amritsar, of the Tehsils Nawanshahr and Phillaur in the District of Jullundur and of the District of Hoshiarpur.

A statement showing, the population and the area of these parts is appended below:-

Sr. No.	Name of Tehsil of which it is a part.	Area in Square miles	Total population	Muslim population	Percentage of Muslims Non-Muslims	
1.	Fazilka	236	64.264	48.275	76.12	24.88
2.	Muktsar	351	108.060	71.922	66.56	33.44
3.	Jagraon	78	26.889	18.747	69.32	30.68
4.	Ludhiana	238	181.141	24.905	68.95	31.5
5.	Samrala	70	26.558	18.746	70.59	29.41
6.	Nawanshahr	120	67.085	33.939	50.59	49.41
7.	Phillaur	96	48.726	32.762	67.24	32.76
8.	Rupar	150	66.968	34.335	51.27	48.73
9.	Una	22	3.822	2.103	55.02	44.98
10.	Garshankar	70	14.292	8.162	57.11	42.89
11.	Hoshiarpur	291	233.022	122094	52.4	47.6
12.	Dasuya	299	212.042	123272	58.14	41.86
13.	Thana Majitha (Tehsil Amritsar)	61.701	32.028	51.9	48.1	

On the basis of these figures a *prima facie* case for the inclusion of all the areas mentioned above in West Punjab is clearly established. The non-Muslims, however, contend that while demarcating the boundaries of the two parts of the Punjab and Commission has to take into account other factors also and that wherever such other factors as have been emphasized by them are established in their favour in any particular area, the Commission shall have to ignore the majority as well as the contiguity of the population and to place it in the East Punjab.

It is true that under the terms of reference the Commission is instructed to take into account other factors but before such factors are defined and discussed it will be necessary first to determine in the light of the terms of reference their nature in general, their relative

importance and the occasion when they are to be taken into account. Such factors cannot, therefore, in the very nature of things convert a Muslim majority area into a non-Muslim majority area and *vice-versa* but may induce the Commission to place an area in spite of the majority of one community in the zone of the other. The nature of those factors would, therefore, be only such as may somehow on other relate to the demarcation process. Their importance too is not to be exaggerated. They are merely to be taken into account which evidently means that we are not necessarily to be carried away by them. If a factor is pleaded, we must consider it, discuss both its pros and cons in our minds and then determine whether in view of its emergence the boundary line which on the basis of population should have been drawn in one direction was to be deviated therefrom and drawn somewhere else. No higher claim can be made on behalf of other factors, nor can they on any account be allowed to override the principal factor of population except to the extent indicated above.

Counsel for the Indian National Congress however, argues that other factors do not occupy a subsidiary position but are no less important than the factor of population. In support of his assertion counsel urges first that the boundaries are to be demarcated not between two Provinces of one State but two Sovereign States and secondly that if the work had been so simple, to use his words a Commission of "weight and importance" should not have been appointed. He also refers in this connection to the broadcast of His Excellency the Viceroy where he affirmed that the boundaries to be demarcated by the Commission "will almost certainly not be identical with those already laid down" and that the exact degree in which the Sikhs will be split up will be determined by the Boundary Commission. These arguments are not in my view sound. So far as the remarks of His Excellence the Viceroy are concerned, they merely emphasize the fact that the notional division is not unalterable if a detailed investigation into the figures of population suggests a different course and it will be seen that its alteration on that basis has been claimed by both sides. As regards the rest of the arguments, suffice it to say at this stage, that had the intention of His Majesty's Government been such as is stressed by counsel, the terms of reference would have been formulated differently. Matters extraneous to these terms, matters which cannot even remotely be converged by them are therefore excluded from consideration.

I do not, however, mean that no factor other than that of population is to be considered at all by this Commission. In drawing national boundaries questions of defence, administrative convenience, control of customs, etc., may arise and the Commission may have to "to cut out corners" or "flatten out pockets" with a view to avoiding a rugged zigzag boundary line which may otherwise result on the basis of population alone. In doing this mutual adjustments will be necessary between the two Sovereign States and some majority areas of one community may thus happen to be placed along with those of the other.

Faced with the obvious difficulty of meeting the Muslim case on the score of population, the Indian National Congress has chosen to throw serious doubts on the correctness of the census figures not only of 1941 but also those of 1911, 1921, and 1931. The Census Superintendents no doubt have in their reports dwelt on the tendency of the various communities inhabiting this Province to swell their numbers in view of the important constitutional changes anticipated by them, but in the first place proper steps were taken by the Superintendents themselves to foil these attempts and secondly in this respect too the Hindus and Sikhs more educated, more shrewd and more influential both on account of wealth and high official positions scored over poor resourceless Muslims and this fact

is amply established from confidential records placed at our disposal.

By a demi-official letter, dated 5th March, 1941, Mr. Taylor, I.C.S., Administrator of the Lahore Municipality, reported to the then Commissioner, Lahore Division the various irregularities brought to his notice by his own subordinates and in that he particularly mentioned the case of a Hindu Assistant Supervisor named Dr. Om Parkash who was found in possession of 6,200 forms full of bogus names in the area under his charge. Similarly in a note submitted by a Sikh Sardar Qanungo on the 3rd March, 1941, to the Deputy Commissioner, Lyallpur, it was *inter alia* reported that two completed pads on which persons residing in ward No.5 at the town of Chak Jhumra in the District of Lyallpur had been entered were found missing on the morning of the 2nd March and that in this locality Muslims mostly resided. The loss of these pads was attributed by him to the mischief played by the Hindus of that locality. In respect of the town of Khanewal in the District of Multan Mr. Hamid I.C.S., Sub-divisional Officer, reported to the Superintendent of Census Operations, Punjab that at least 16,000 bogus entries had been made in respect of that town alone and that though all the communities had tried to swell their numbers the Hindus had gone beyond all limits, the reason being that about 90 per cent of the enumerators were Hindus and most of them were teachers of an Arya School. Reference in this connection is also invited to the observations made in a foot-note by the Census Superintendent at page (iv) of his Introduction to the Report of 1931 Census. They read as follows:-

“The Deputy Commissioner of Ambala (Mr. Sheepshanks) in his report on the census operations says:

“The Sikhs did increase their number by all possible means. They persuaded their Kamins (village menials) and other to give their religion as Sikh, they started a regular propaganda in most of the villages. For instance in village Kainaur propaganda was carried to its extreme and the Mahajans, Chamars and even Christians were forced to give their religion as Sikh.”

The Deputy Commissioner of Ludhiana (Mr. Connor) remarks:-

“The proprietary bodies of villages put great pressure upon their Kamins to return themselves as Sikhs and I think they succeeded to a great extent in some villages.”

The Deputy Commissioner of Ferozepur (Mr. Mac Farquhar) says:-

“Ad-Dharmis were really anxious to consolidate their position as a separate community. But on those residing in rural areas great pressure was brought to bear by their Sikh landlords to return themselves as Mazhabi Sikhs or Sikhs instead of Ad-Dharmis. Many such Ad-Dharmis had to yield under the pressure, they being the village menials generally.”

The Deputy Commissioners of Lyallpur, Lahore and Sheikhupura have made similar remarks.

Be that as it may, in order to calculate population with a view to ascertaining the

majority of Muslims and non-Muslims we shall have to depend on some figures and there being no other means available to make an authentic estimate of our own, the figures officially collected in 1941 shall be the sole guide in this respect.

Having thus disposed of the question of population which inevitably entitles the Muslims to all the areas claimed on their behalf, I would now proceed to examine the other factors stressed by the India National Congress. The foremost among these is described by the Congress "the solidarity of the Sikhs and the protection of their cultural and religious life." Whatever the origin of the political power of the Sikhs, it cannot be denied that Maharaja Ranjit Singh owed his so-called kingdom in the Punjab, which at the time did not go beyond Sutlej, to Shah Zaman Khan, a Muslim Ruler of Kabul. This fact has been mentioned in every authentic history of the period including Cunningham's history of the Sikhs which was relied upon by the Sikhs themselves. No doubt the Maharaja reigned supreme in this tract for some time but this period of his rule pales into insignificance when compared with an unbroken period of eight centuries enjoyed by the Muslims as absolute rulers in the Punjab. On this score, therefore, the Sikhs have not a leg to stand on. But even if for the sake of argument it is conceded that the Sikhs were the last rulers of the Punjab whom the British displaced at the time of the annexation of this Province, it would not establish any claim on their part to any sort of unusual treatment. As explained above, the terms of reference of this Commission were settled by a Committee on which the major political parties were adequately represented and, despite the fact the attention of His Excellency the Viceroy was particularly drawn during the Press Conference to the question of maintaining the solidarity and integrity of the Sikh community, the terms of reference as originally envisaged in the statement of His Majesty's Government were not in any manner so altered or amended as to introduce the element of the Sikh solidarity and integrity or the question of their shrines for the necessary consideration of the Commission. Counsel for the Sikhs has in support of his assertion relied on a speech made by Mr. Butler, a prominent member of the Opposition in the House of Commons, as well as to a speech made by Mr. Henderson, Under Secretary of State for India, about the middle of the last month. The former hoped that serious effort would be made by the Commission to bring the Sikhs into "conglomerate whole" and the latter while interpreting the term "other factors" referred to the Sikh shrines. No advantage, however, can be rightfully claimed by the Sikhs on this account. In the first place, His Excellency the Viceroy made it absolutely clear in his Press Conference on the 4th June that there will be no interference or dictation by the British Government. Secondly, what Mr. Butler stated as a member of the opposition was his individual opinion carrying no weight whatever based as it was on very meagre information as to the actual state of affairs and what Mr. Henderson stated on the occasion has been toned down a lot by his subsequent explanation. On no account, therefore, can the question of bringing the Sikhs or their shrines together in one zone override the principal factor of population while demarcating the boundaries of Muslim and non-Muslim majority areas. It was for this reason that even His Excellency the Viceroy, who was genuinely interested in the Sikhs, expressed his utter inability to drag them out of the mire in which they had placed themselves and repeatedly reminded the Press representatives that he was neither a miracle worker nor a magician. The Sikhs are scattered over the whole of the Punjab and nowhere claim a majority over the rest of the population except in the Tarn Taran Tehsil of the District of Amritsar where they are about two lacs, and in Moga Tehsil of

Ferozepur District where they are less than two lacs. Bringing them all or as may as possible into one conglomerate whole, therefore is a task impossible to achieve unless the Punjab is left undivided. They have no doubt put up a plan of a tract where about 34 lacs of them out of their population of 37 lacs odd can be brought together but even a superficial examination of this plan is enough to expose its absurdity. This tract extends over several districts where the Muslims are obviously in an overwhelming majority and which districts can, therefore, in no circumstances be included in the East Punjab. For example in the District of Montgomery the Sikhs are only 1,75,064 as against 918,564 Muslims and even combined with all the other non-Muslim communities hardly come up to 30 per cent. Similarly, in the District of Lyallpur the Sikhs are 262,737 as against 877,518 Muslims and here too even taken together with the rest of Non-Muslims show hardly any better percentage than that in Montgomery. In the Mailsi and Khanewal Tehsils of the District of Multan included by the Sikhs in their map they are respectively 21,131 and 24,380 as against 213,413 and 176,892 Muslims. The percentage of all the non-Muslims combined in these tehsils does not go beyond 24 and 30 respectively. In the Lahore Division taken as a whole the Sikhs are only 19.9 per cent as against 58.18 per cent Muslims and their percentage in the District of Lahore is only 18.3 in the District of Gujranwala 10.8, in the District of Sheikhupura 18.8, in the District of Gurdaspur 19.19 and in the District of Sialkot 11.7 only in the District of Amritsar they are as much as 36.1 per cent but even there along with the Hindus they do not go beyond 50 per cent. As against this the Muslims are 60.6 in the District of Lahore, 51.14 in the District of Gurdaspur, 62.0 in the District of Sialkot, 70.4 in the District of Gujranwala and 63.6 in the District of Sheikhupura. The district of Amritsar has under notional division been placed along with the other non-Muslim majority districts but there too the population of the Sikhs is 510,845 while that of the Muslims is 657,695. How on any basis can it reasonably or equitably be urged that the whole Division of Lahore for the sake of 1,442,006 Sikhs be placed in East Punjab at the cost of 41,199,658 Muslims. How can on any account the so called solidarity and integrity of the Sikhs be maintained by disintegration of and breaking up of the Muslims. Similarly, there can be no justification for placing the Districts of Montgomery and Lyallpur along with a part of Multan in East Punjab seeing that in this tract the total population of the Sikhs is only 483,312 as against the total Muslim population of 2,186,387. Counsel for the Sikhs further urged that their sole object claiming that tract was to strengthen their position. He however, conveniently ignored that if the tract marked red by them in their plan was ceded to East Punjab, their percentage would be reduced to 16.92 from nearly 17.95 which they enjoy under the notional division. Evidently, therefore, the position of Sikhs as such will be weakened and not strengthened by the claim put forward by them before the Commission.

Coming to the Sikh shrines. In the first place, even the Muslims have their shiners in all the districts claimed by the Sikhs and they are as much sacred to the Muslims as the Sikh shrines to the Sikhs. Secondly, Sikh shrines will be as much needed for the Sikhs residing in West Punjab as for those residing in East Punjab. But what is most important to consider is that how can lifeless structures of bricks and mortar or mud be taken into consideration as against the interests of millions living creatures of God whose culture, whose religion and whose very existence is jeopardised by placing them under foreign domination and this aspect of the case gains all the more importance in view of the present attitude of mind displayed by both the Hindus and Sikhs against the Muslims. It was for this reason that it

had been expressly agreed upon between the leaders of the major political parties that no substantial areas of one community would be placed under the control of the other community and if once the claim put forward by the Sikhs on the basis of shrines is conceded this fundamental principle will stand ruthlessly violated. I need not, however, expatiate further on this matter as the Sikh case is being separately dealt with by my learned brother Munir J. Suffice it to say that the Sikh case is most ridiculous, most unjustifiable and most unreasoned.

The second factor dealt with by the Indian National Congress is what is described in the memorandum as "considerations of strategy and defence". I am prepared to concede at once that in demarcating boundaries between two sovereign states such considerations cannot altogether be ignored. But here too I may emphasize that under the cloak of strategy and defence substantial areas of one community cannot be assigned to the zone of the other. These are the days of automatic rockets and atom bombs and who knows what weapons far more destructive than even these can be devised by human ingenuity and human labour. The Indian National Congress has stated that a suitable and natural boundary line would be one of the large rivers of the Punjab and suggested in this connection that "a boundary line drawn along the Chenab or any for the greater part along that river will have advantage of providing a suitable defensive line both to the Indian Union and Pakistan Government." Sir Mohammad Zafrullah Khan has on the advice of a British expert placed a map before us explaining what from the point of view of strategy and defence should be the boundary line between the two Sovereign States and has taken pains to elucidate that taking all the pros and cons of the matter the most protective and most effective boundary line will be one chalked out in the strategic map submitted by the Muslim League. Mr. Setalved tried to meet the argument advanced by Sir Mohammad but in my view he signally failed to rebut the case made out against him. This boundary if adopted will remove all complication relating to Railway and Canal system.

The third factor dealt with is what is called economic security. It is urged that a division solely on the basis of contiguous Muslim and non-Muslim majority areas will leave the eastern part of the Province absolutely insecure in the matter of food and clothing and in this connection reference has been made to the total production of wheat, rice and cotton in West Punjab as against the production of these commodities in East Punjab. It is true that the figures given there are not far wrong but that does not necessarily mean that East Punjab does on that account become so economically paralysed as not to be able to pull on at all. In the first place, East Punjab does not stand alone. It is a part of India which is undoubtedly far more extensive and far more productive than the whole dominion of Pakistan taken together. Secondly, as would appear from a recent resolution passed by the Partition Council of the Punjab, East Punjab also abounds in some commodities in which West Punjab is deficient and shall have to come to its rescue to that extent. It is impossible to imagine any country which may be self-sufficient in all those articles which are necessary to keep the soul and life of the communities together and it is clear that on such grounds West Punjab cannot be robbed of any of its fertile districts. The partition of Punjab is not taking place with object of leaving Muslim poor as a mouse nor for making the non-Muslims rich as Croesus and if once this fact is appreciated arguments advanced on the basis of these facts and figures carry no conviction at all.

Under this heading it is also stated that the cultivable area in the 17 Muslim-majority

districts will be 49,718 sq. miles against 23,857 sq. miles in the remaining twelve districts of the Punjab and this gives 1.886 acres of cultivable land per capita in the Western part as against 1.322 acres per capita in the Eastern part. But even if this be so, the difference is so negligible that it cannot be allowed to disturb the population basis especially in view of the fact that the only source of livelihood open to the inhabitants of West Punjab will be agriculture while those of East Punjab will on account of their immense wealth have all sorts of avenues open to them.

Stress is also laid on the fact that a large part of the mineral wealth of the Punjab is to be found in the western districts only but here again it is ignored that West Punjab will be a part of the dominion of Pakistan and that in that dominion minerals like salt, petroleum and coal etc. are not to be found anywhere else. Further, Kangra district especially Kulu is rich in minerals, and there is far greater hydro-electric potential in East Punjab than in West Punjab.

A complaint is also made as to the greater density of population in the eastern part than that of the western part. This comparison, however, proceeds on a defective consideration of the case, as no note has been taken of the fact that from among the districts included in West Punjab Dera Ghazi Khan, Mazaffargarh, Mianwali and Jhang are for the most part either desert or waste and the soil here is of a very poor quality and almost unproductive, and that Rawalpindi, Jhelum and Campbellpur are mostly rock or ravine and the soil there almost *barani* or in other words depending upon rain alone. Similarly the Tehsils of Khushab and Shahpur of the District of Sargodha are mostly hilly or desert. In East Punjab too the Districts of Kangra and Simla are hilly, the soil of Ambala is poor and Hissar is just like Jhang. Now if the areas and population of these districts and tehsils is excluded from calculation the density of the districts and tehsils that remain on both sides is 418.8 per square mile in West Punjab and 413 per square mile in East Punjab as is fully borne out by the figures given below:-

West Punjab under notional division.

<i>District</i>	<i>Population</i>	<i>Total area.</i>
Lyallpur	1,396,305	3,522
Montgomery	1,329,103	4,204
Multan	1,484,333	5,653
Sialkot	1,190,497	1,576
Gujrat	1,104,952	2,266
Gujranwala	912,234	2,311
Lahore	1,695,375	2,595
Sheikhupura	852,508	2,303
Gurdaspur	1,153,511	1,846
Tehsils of Sargodha and Bhalwal	580,532	1,655
<hr/>		
Total	11,699,350	27,931 square miles.
<hr/>		

Density 418.8

East Punjab under notional division.

<i>District</i>	<i>Population</i>	<i>Total area</i>
Ludhiana	818,615	1,399
Karnal	994,575	3,126
Rothak	956,399	5,213
Gurgaon	851,458	2,246
Amritsar	1,413,876	1,572
Ferozepur	1,423,076	4,085
Hoshiarpur	1,170,323	2,195
Jullundur	1,127,190	1,334
<hr/>		
Total	8,755,512	21,170 sq. mile
<hr/>		

Density 413

Even otherwise, considering the death rate in most of the districts in the eastern part as compared with those in the western part as given is the memorandum itself, the allotment to West Punjab of more extensive areas with a view to provide for the future rise in population is absolutely justified. It may also be remembered that the people of East Punjab will have ample scope for absorption in sparsely populated but fertile Provinces like Assam, C.P., Bombay, Orissa, and Madras.

This brings to the factor relating to the distribution on a rational basis of the existing irrigation works, the river water of the Province, Canal Colonies and Crown lands. It is not disputed that Resolution of the Governor in Council, Punjab, was passed on the 14th April, 1934, stating that the prosperity of the Punjab was to a great measure due to the new work of the canals and that the material and moral progress of the Punjab had been financed by the profits earned by the irrigation system. but even if this were so, the Hindu-Sikh case gains no strength from this observation. The Muslims had on account of their excess in population contributed more towards the construction and maintenance of these canals than the non-Muslims and are thus entitled to a larger share in them.

The first canal dealt with under this heading is the Upper Bari Doab Canal and it is stressed in this connection that the canal was mainly "projected to find employment for the disbanded Sikh soldiers and to settle them to agricultural pursuits". But this also cannot be denied that at present the majority of the population benefited by this canal is Muslim and not Sikh. This canal irrigates the three districts of Lahore, Amritsar and Gurdaspur and the total population of these three districts 4,262,762 of whom:

2,275,390	are	Muslims;
1,042,752		Sikhs;
691,666		Hindus;
101,228		Ad-Dharmis;
151,726		Christians

The percentage of the Muslims population, therefore, in these three districts is 53.38 as against 24.46 of the Sikhs, 16.23 of the Hindus, 3.56 of the Christians and 2.37 of the Scheduled Castes. Even if we exclude Shakargarh Tehsil which lies on the other side of the Ravi, the total population of the area that remains comes upto 3,971,257 of which 2,125,790 are Muslims. Their percentage on this calculation too is 53.53 and this percentage is rather favourably affected if we exclude 96 villages of Pathankot Tehsil, 12 villages of Gurdaspur Tehsil and 4 villages of Batala Tehsil which lie across the Ravi. The percentage of Muslims is still more improved if instead of including the whole of the Tehsil we include only that part of the Tehsil which is irrigated by this canal. Calculating on that basis the Muslim population comes to 54.05. It may be argued that some of the portions of Gurdaspur, Amritsar and Lahore Districts are not irrigated by this canal, but even if those areas are excluded the Muslims are in a clear majority within the irrigation boundary line. The irrigation on this canal is both perennial and non-perennial and if we calculate the population served by the perennial system the percentage of Muslims in the population thus benefited is 52.85 as against 25.60 of the Sikhs, 16.60 of the Hindus, 1.69 of the Scheduled Castes, 3.26 of Christians and others. Even if the non-perennial irrigation is included, the Muslims are in a clear majority (51.55%). Normally the irrigation boundary of a canal includes only these villages which are given canal water for irrigation, but sometime the boundary is extended for administrative reasons to include even some villages to which canal water is not supplied. In working out the figures and percentages of population given above, such villages as have not been allowed canal water have been excluded. The non-Muslims seek to establish their majority in this area only after excluding the city of Lahore, but this exclusion is altogether unwarranted in as much as the civil station area of Lahore is admittedly benefited by this canal. It may be that the site of the walled city does not receive irrigation from this canal but it must be remembered that in the first place walled cities have seldom any areas reserved for irrigation within the walls, and secondly in the case of Lahore the whole of the area surrounding the walled city is actually being irrigated by this canal and a good part of these lands is owned or cultivated by those dwelling within the walled city. Further, the case of the walled city of Lahore is in no way different from that village sites which do not receive irrigation even though all the lands surrounding the sites may be irrigated.

The Congress memorandum next deals with the Lower Chenab Colony which comprises a large portion of the District of Lyallpur and small parts of Sheikhupura and Jhang Districts. As already stated the Muslims are 62.8 per cent of the total population in Lyallpur as against the Sikhs who are only 18.8 per cent and Hindus who are 9.8 per cent. In Sheikhupura District the Muslims are 63.6 per cent as against the Sikhs who are 18.9 per cent and the Hindus who are 7.8 per cent. In the District of Jhang, Muslims are 82.6 per cent, whereas the Sikhs are 1.5 per cent and Hindus 15.6 per cent. These figures clearly indicate that Muslims are in an overwhelming majority in three districts served by the Lower Chenab Canal. Again, in Lyallpur District out of a total acreage of 1,740,108, the Muslims hold 1,074,019 acres, while the Sikhs hold 562,998 acres and all the others 103,086 acres. The land revenue paid is practically in the same proportion. Among landowners, out of a total number of 150,723 the Muslims are 1,03,544, the Sikhs 38,102 and the others, 9,077 and among occupancy tenants the Muslims are 9,590 as against 1,490 Sikhs, 1,009, others. In the District of Sheikhupura, out of a total acreage of 1,354,242 the Muslims hold 734,242 the

Muslims hold 734,484 the Sikhs 511,981 and the others 107,777. The Muslims similarly pay a major part of the land revenue due to Government. Among landowners, out of a total of 96,448 the Muslims are 63,737 the Sikhs 27,806 and the others 4,905. Among occupancy tenants, out of total, 7,948 the Muslims number 4,719, the Sikhs 2,541 and the others 688. In the District of Jhang the number of non-Muslim landholders is negligible and no comparison is necessary. The consideration of the above figures makes it abundantly clear that even from the point of view of property the Muslims are predominant in this colony.

In the memorandum a reference has also been made to the Lower Bari Doab and Nili Bar Colony, but no details have been mentioned to justify the claim put forward by the Sikhs and the Hindus to these colonies. The Lower Bari Doab and the Nili Bar cover the District of Montgomery and the Tehsils of Khanewal and Mailsi claimed by the Sikhs. Even a rapid glance at the population proprietary position in these areas however is enough to demolish the non-Muslim case. In Montgomery District Muslims are 69.1 per cent, the Sikhs are 13.2 and the Hindus 12.6. In Khanewal Tehsil, the Muslims are 70.1 the Sikhs 9.6 and the Hindus 13.6. In Mailsi Tehsil, the Muslims are 75.9% the Sikhs 7.5% and the Hindus 12.4%. In Montgomery district out of a total acreage of 21,34,833 the hold 1,332,928 acres, while the Sikhs hold 378,805 and the others 423,100 acres. The position in land revenue paid by the various communities is also similar. Among the number of landowners, out of a total of 138,877 the Muslims are 100,340 the Sikhs 20,148 and the others 18,389. In Mailsi and Khanewal Tehsils out of a total acreage of 526,602 a the Muslims hold 367,230 acres, the Sikhs 42,256 and the other 117,116. In these two tehsils the Muslims also pay 3/4th of the land revenue. Among land-owners out of a total of 25,965 the Muslims number 18,375, the Sikhs 1,947 and the others 5,643. Among occupancy tenants, the Muslims are 7,015 out of a total of 9,412 the Sikhs 997 and others 1,409.

It has been urged by both the Hindus and Sikhs that the Sikhs have played a prominent part in the development of canal colonies, but if it is remembered that Muslims own 64 per cent of the total colony lands allotted in the Province as against 26 per cent held by the Sikhs 9 per cent held by the Hindus and 1 per cent held by Christians and others, the hollowness of this claim becomes crystal clear. Even among occupancy tenants and tenants-at-will, the Muslims percentage is much higher. For example in Montgomery district out of total area 1,229,531 acres held by tenant-at-will the Muslims hold 837,886 acres; and out of a total area of 298,152 acres hold there by the occupancy tenants the Muslims share comes upto 233,931 acres.

Coming now to the Crown lands, unclassified forests and waste lands, it is true that 626,650 acres of unclassified forests at present lie in West Punjab as against 485,862 in East Punjab, but if we take the protected forests also into we find that the area lying in East Punjab aggregates 2,190,720 acres (3423 square miles) as against only 153,600 acres (240 square miles) in West Punjab. It is obvious that from the point of view of forest growth unclassified forests which are mainly used for grazing purpose are of no import whatever and the major forest produce in the form of timber, firewood, resin and bamboo grows in protected forests alone and their share of West Punjab is only 1/14th of East Punjab. There is not much for East Punjab, therefore to complain in the distribution of forests.

In the matter of the temporarily leased and un-allotted Crown lands too, it is to be noted that recent investigation has shown that the damage which the canals have so far caused by way *thur* (salt) and *sem* (water logging) is very extensive and unfortunately it

is growing every year. Landowners whose lands are so affected are generally compensated out of the Crown lands lying unallotted, and looked at from this point of view the mere existence of such lands in West Punjab will not afford any appreciable advantage to the Province. Moreover, it cannot be urged that the entire temporarily leased area is in possession of the Muslims. All communities, including the British, hold these lands and in as much as their rights in this property are not going to be prejudicially affected in any manner on account of the present partition, this objection carries no weight at all.

The objection on the score of irrigated plantations can also be effectively met by the figures and a note on this subject prepared on behalf of the Muslim League (Annexure A) will satisfactorily establish the unreasonableness of the Congress complaint in this behalf.

The next subject discussed in the Congress memorandum relates to the "Economic stake of the resident population arising out of private ownership, particularly land." Details under this heading have, however, been supplied in respect of the district and the town of Lahore only. In this connection the contention raised on behalf of the Muslim League is that ownership of property whether in the rural or in the urban areas is not a factor which can justifiably be considered under the terms of reference formulated for the guidance of this Commission and this is absolutely correct. In fact, His Excellency the Viceroy had clearly observed in the Press Conference that property means individual comfort only but not political power. England is being ruled by those who have no walled structures of their own and not by the handful of Peers and capitalists who own its magnificent buildings and vast acreages. The United States of America belongs rather to those who have even no roof to shelter them than to those who own sky-scrapers. One man, one vote is the rule and if on that basis a referendum is held in either the district or the city of Lahore as to which Province their inhabitants would choose to join, a Muslim land-holder owning not even 5 acres of land will have as effective a voice as a non-Muslim owning 50,000 acres of land. Counsel for the Sikhs laid stress on the fact that the population of Muslims contains a large number of cobblers, blacksmiths, carpenters, landless labourers and other similar humble folk, but even if this were so their importance as inhabitants of this Province is not in the least affected. Ask any resident of a really democratic country in Europe whether there is any difference between a blacksmith and a Duke so far as the power of vote is concerned and his reply will settle this matter.

In the District of Lahore the Muslims claim a clear majority of more than 3.5 lacs over all the other communities combined and in the city of Lahore they are about 2 lacs in excess. How on any known principles of fair play or justice can this excess be washed out merely by the fact that the non-Muslims, taken as a whole, are wealthier or more resourceful than the Muslims. Although the Muslims do not accept property as a factor to contend with in the matter of the demarcation boundaries, they rightly claim that even as regards landed property in most of the districts of the Lahore Division and in all districts of Multan Division they are in a much more favourable position than both the Hindus and Sikhs and even the rest of the non-Muslims combined.

On the same grounds as have been set forth above the industrial and commercial enterprises as are stressed in the Congress memorandum cannot be taken into account. Further, one cannot lose sight of the fact that their commercial enterprises and industrial concerns are not to be expropriated by the Muslims and that despite the division of the Province their ownership will still hold them under their control as completely and as

effectively as they hold them now.

It is also to be remembered in this connection that capital invested in such commercial and industrial concerns is not so permanently fixed to the soil as not to be removable and figures officially supplied to the commission clearly indicate that capital to the extent of several crores of rupees has already left West Punjab including Lahore. The Commission has also been informed that many important industrial and commercial concerns have during the last few months moved their headquarters to India. No kind of advantage therefore, can be claimed on account of such enterprises and concerns which can easily be shifted from one place to another.

The memorandum next deals with the Railway system, other means of communication and the Hydro-electric system. Taking the railway system first, it is stated that under the notional division it will be cut at six points and that this is undesirable from every point of view. It is further stressed that East Punjab will stand in need of Mughalpura Workshops so that "the railway in Eastern part should be able to function". The district of Gurdaspur is also claimed for East Punjab on the ground that the only railway communication existing between and Kangra would be disrupted. In my view there is no substance in any of these contentions. The disposition of interchange points between two railway systems cannot claim any consideration for the purposes of demarcating the boundary between two separate States in as much as partition of any large railway system with extensive ramifications must inevitably bring into existence a number of interchange points. In fact the notional division by placing some territories in East Punjab which on the basis both of contiguity and majority should be placed in West Punjab not only violates a cardinal principle of demarcation but also prejudicially affects the railway transport system, and for the non-Muslims to claim Lahore on this basis for East Punjab would further aggravate this injustice. If some of those localities which have been placed in East Punjab are allotted to West Punjab on the principle both of contiguity and majority, the points of interchange can be substantially reduced and a slight re-alignment of the railway line by connecting Moga and Faridkot would further improve this situation.

The statements made in the memorandum about the density or traffic and the division of the rolling stock are also misleading. The density of traffic obtaining on certain portions of West Punjab is not only higher than that of any portion of East Punjab but is the highest on the Indian railways. The division of the rolling stock has already been agreed upon and approximately 66 per cent of the locomotive goods and coaching stocks have been allotted to the western portion of the North Western Railway. On the basis of this division alone the claim of West Punjab to retain Moghalpura Workshops is irrefutable, as these are the only workshop in Western Pakistan those at Karachi, Sukkur and Rawalpindi having been dismantled. As against this, East Punjab can have its rolling stock repaired at one or more of the number of railway workshops existing in India. Long distance will not be a handicap to East Punjab as even in West Punjab the rolling stock will have to be brought to Lahore from distant places like Karachi, Quetta and Nushki extensions, as is being done at present. The Workshops at Sukkur, Karachi and Rawalpindi having been closed down on account of their being uneconomical units, even if rehabilitated would not be in a position to cope with even small fraction of the manufacture and repair work involved in the upkeep and maintenance of the rolling stock allocated to West Punjab. Moreover, a transfer of any equipment from Moghalpara Workshops to any other shop will throw the existing plants at

Moghalpura completely out of balance. The experts are therefore, definitely of the opinion that if Moghalpura Workshops are made over to East Punjab, the life-line of West Punjab will be completely paralysed.

The claim put forward for the inclusions of Gurdaspur on the basis of Railway system is altogether untenable. New routes can be found to connect Kangra with East Punjab as will be done even in the case of other Provinces like Assam, which will cease to have a direct railway communication with the rest of India as a result of the incorporation of Sylhet in East Bengal. Hills can never form insurmountable barriers against Railway development. At any rate a motorable road connects Una with Kangra and several roads are under construction or have already been sanctioned in those tracts. In the first place, there is a direct route to Kangra via Rupar-Una Gagrol. The road from Rupar to Guzay Nangal is under construction and a provision for metalling Guzay Nangal-Una road also including the construction of major bridges falling in the way was made in the last budget, and the work is in progress. The metalling of Una-Gagrol section has been included in the Post-War Development Scheme and as it runs through plains and is only 19 miles long, the work can be taken in hand immediately without any difficulty. The road from Gagrol to Bharwain is already a metalled one and the road between Bharwain and Kangra though unmetalled is in a fairly good condition and motorable. The metalling of this section too has been included in the Post-War Development Scheme. Further a permanent high level bridge has been proposed to be constructed on Beas during the current financial year. This fully meets the case as regards roads also.

The hydro-electric system is located at Joginder Nagar which lies in an Indian State and serves West Punjab more than East Punjab. In fact the supply to West Punjab is more than double the supply to East Punjab and it is consequently one of the prime factors in which West Punjab is deeply interested. It had cost the Province 9 crores of rupees and will have to be internationally controlled in some form or another. No territory, however, can be claimed for East Punjab on this score.

The last matter dealt with by the Congress is headed "Movement of Population consequent on Partition". It is observed that "having regard to the circumstances which have brought about partition of the Punjab a considerable section of the non-Muslim population, which will be left in the Western Punjab of the Province will in order to safeguard its personal property migrate from the western part to the eastern part". Under the notional division the total population of the Sikhs and Caste Hindus combined in West Punjab is 37 lacs odd and of the Muslims in East Punjab is 38 lacs odd. Moreover their population in the rest of India runs into several crores. They are feeling equally apprehensive of the Sikhs and Hindus and if the question of migration of population from one State to the other ever rises, West Punjab will have to accommodate far more people than East Punjab. Further under the plan put forward by Hindus and Sikhs as many as 96 lacs of Muslims will be placed in a hostile territory and the truncated West Punjab that will remain will be expected to accommodate at least 150 per cent of its total population. A greater absurdity than this can never be conceived.

The Congress memorandum then proceeds to examine each of the divisions and districts individually so as to establish in the language of the memorandum "that the claim that they should be included in the Eastern part of the Province is well founded." So far as Ambala Division is concerned the Muslim League has already conceded the whole of the

Division to the non-Muslims except for a small area in the Tehsil of Rupar which is definitely a Muslim majority areas. As regards Jullundur Divisions, again the bulk of it has been conceded to the non-Muslims and the only portions claimed are those given in Table 10, together with their population community-wise which clearly establishes a huge Muslim majority in those parts. If once it is established that the determining factor in the demarcation of the present boundary is population, on no account whatever can these contiguous Muslim majority areas be separated from West Punjab.

The case of Lahore Division, however, is somewhat complicated. Muslims claim the district of Amritsar too along with the remaining districts of this division which are already included in West Punjab under the notional division and the non-Muslims on the other hand claim besides Amritsar even the Districts of Lahore, Gurdaspur, Sialkot, Gujranwala and Sheikhupura. The population figures of the districts claimed by the non-Muslims definitely show that Muslims except in the District of Gurdaspur where they are 51.14 per cent, are more than 60 per cent in the District of Lahore Sialkot and Sheikhupura and more than 70 per cent in the District of Gujranwala. The map produced by the non-Muslims to support their case on this basis is enough to demonstrate the absurdity of their claim.

Taking first the District of Lahore the main claim of the non-Muslims, however, is based on the number of land-owners and the acreage owned by them. It may be mentioned here that so far as the number of land-owners is concerned, it would be difficult implicitly to rely on the figures given by them. It is authoritatively established that the Sikhs have taken special pains to have the number their land-owners swelled by entering them separately in all the estates in which they own land. In order to support the charge laid against the Sikhs on this score the Muslim League made an application to the Commission to have the figures of six villages rechecked by the Deputy Commissioner of Lahore and the reply received from him was that in all those six villages the Sikh proprietors had been counted twice over. In one case the number of proprietors so counted was 108, in another 524, in third 360, in the fourth 34, in the fifth 13 and in the sixth 11. But even if the number of non-Muslim land-owners as well as the area owned by them in this district be greater than that of the Muslims it will be quite immaterial for our purposes as explained above. Again the non-Muslims seek to establish their majority in some parts of the District of Lahore by excluding the town of Lahore and town of Kasur, but the method they thus employ cannot be recognised at all for ascertaining the majority population of one community over the other. On the principle of exclusion the Muslims may easily establish their claim to the whole of India.

While here I may dispose of the claim of non-Muslims to the town of Lahore. Their sheetanchor is that they own more houses, pay more taxes and run more commercial and educational institutions. But these factors can never avail the non-Muslim, in depriving the Muslims of this town. Lahore has not only been a seat of Muslim Government for nearly eight centuries but has also been a great cultural religions, educational, and social centre of Islam and considering that along with this Muslim claim a clear majority in the population, no justification be found to attach this town to East Punjab. For want of majority or contiguity Muslims have already lost their cultural centres like Panipat, Delhi, Agra, Ajmer, Aligarh, Lucknow, and scores of others where not only their temporal power lies buried but also their spiritual and religious glory is entombed and if these factors have weighed against the Muslims in those places, they must count in their favour in the case of Lahore. To deprive West Punjab of Lahore would be tantamount to rob a living organism

of its heart. Further, it is great centre of communications which are absolutely essential to keep the Dominion of Pakistan going and no blow will be severer than its separation from this Dominion. The Sikhs have enumerated their shrines in this town and Hindus their secular institutions but if these things count, Muslims have far more things to live for and to die for in this locality. To count a few, the largest mosque in the world is here and so is the Golden Mosque, the only one of its kind. Besides here lie buried several Saints of world repute like Hazrat Data Ganj Baksh and Shah Mohammad Ghaus and a Muslim Saint Hazrat Mian Mir Sahib who was even approached by a Sikh Guru for laying the foundation stone of the Golden Temple at Amritsar. The premier educational and social organisation of the Muslims the Anjuman-i-Himayat-i-Islam, which controls a large number of branches scattered all over the province is located here. Here also are the tombs of the great Mughal Emperor Jahangir, of his illustrious Wazir Asaf Jah, father of Mumtaz Mahal, for whose sake the world-famed Taj Mahal was built, of the first Slave King Qutub-ud-Din, the builder of Qutab Minar at Delhi, and of the greatest Muslim poet, sage and philosopher of this century, Dr. Sir Mohammad Iqbal. The Muslims can never lose memory of those who have carved out their history in marble and stone, and initiated political and cultural forces that have moved men and changed destiny.

Let us now consider the case of District of Sheikhupura, Here too the Muslims in excess of more than 2.1/4 lacs of population over all the non-Muslims combined and if any consideration is to be paid to the number of land-owners the Muslims beat not only the Sikhs but even all the non-Muslims combined in every respect. The percentage of Muslim landowners in the district is 65, in the Shahdara Tehsil 72, in Sheikhupura Tehsil 62 and in Nankana Sahib Tehsil 75. Even the area held by them in the whole of the district is 54 percent, in Shahdara Tehsil 62 per cent and in Nankana Sahib 65 per cent. Similarly, the land revenue paid by them, in Shahdara Tehsil is 60 per cent and in Nankana Sahib 63 per cent. It is only in Sheikhupura Tehsil that their area is less than that of the Sikhs and they pay less land revenue than that of the Sikhs and they pay less land revenue than others. But the total population of the district is 160,706 as against the total population of 542,344. How then merely on account of the existence of shrine at Nankana can this Muslim majority district be handed over to the non-Muslims? In the Tehsil of Nankana Sahib itself the Sikhs are only 31,562 as against 174,787 Muslims and it has been brought on the record on reliable authority that the land owned by the Sikhs at Nankana was mainly gifted to them by Muslim rulers and Chieftains. It is true that Baba Nanak who was born at Nankana was the first Sikh Guru and that as such the place must be sacred to all Sikhs. But history records that this saint was held in such a high esteem by the Muslims that they even claimed him as their own spiritual preceptor at the time of his demise. Further in spite of its being a Sikh shrine, its management was allowed by the Sikhs to remain in the hands of non-Sikhs till as late as 1922. The Sikhs consequently are not justified in entertaining any apprehension that this sacred place will ever be desecrated at the hands of non-Sikhs and further they should keep in view that there will be Sikhs in West Punjab too whatever their number may be and they will require this institution for themselves as zealously and as devoutly as the Sikhs residing in East Punjab. The Sikhs will no doubt be allowed a free access to the shrine and this should satisfy them in this behalf.

The District of Sialkot is also an overwhelmingly Muslim majority district, the percentage of Muslims being 62 in the whole of the district as well as in the Tehsils of Daska

and Sialkot. The number of Muslim land-owners as also the extent of their holdings and the land revenue paid by them is far in excess of the non-Muslims. In the Tehsil of Narowal alone though the Muslims population is 55.3 per cent and the number of Muslim land-owners is 62 per cent the area held by them is less than that of the non-Muslims by 6 per cent and the land revenue paid by them less by 5 per cent. These considerations however, cannot be taken into account to deprive the Muslims of this majority district of theirs especially when even in this Tehsil the Sikhs are only 17.5 per cent as against 55.3 per cent Muslims. the shrines claimed by the Sikhs in this district are of no importance whatever while those revered by the Muslims are of great renown. No other argument has been found by the non-Muslims to support their claim except that in a small strip situated in Narowal Tehsil, they are in a majority which even if true is not contiguous. As against this headworks of the Upper Chenab Canal are situate in this district and it is closely interlinked with Gujranwala and Sheikhpora which are both Muslim majority districts.

The whole District of Gujranwala is claimed on the ground that the town of Gujranwala is the birth-Place of Maharaja Ranjit Singh and that the district was among the first in which Sikh dominion was established. Looking, however, to the population figures one is astounded at the boldness of the non-Muslims claim on this score. In the population of the district the Muslims are 70.4 per cent and the Sikhs only 10.8. The number of Muslim land-owners in the district is 65 per cent as against 23 per cent of the Sikhs. The area held by the Muslims is 61 per cent as against 27 per cent held by the Sikhs and the land revenue paid by the Muslims is 56 per cent as against 31 per cent paid by the Sikhs. In the Gujranwala Tehsil where the Muslims are 61.7 per cent of the population and the Sikhs 16.3 per cent only, the number of Muslim land-owners is equal to the number of land-owners of all the other communities combined, but they own less area and pay less land revenue. This fact however, cannot convert a Muslim majority district into a non-Muslim majority district. In this district the only strip coloured red in Hindu Sikh map comprises 3 whole zails, viz. Karial, Naushehra and Majhu Chak. A few villages from Thabbal zail and a few from Mangoke zail have also been included and according to their own memorandum the non-Muslims are in a majority in one zail and the Muslim are in an overwhelming majority in the other four zails. Imagine the audacity of the claim put forward by the non-Muslims on the basis of one zail alone to the entire district where the population of the Muslims is 642,706 as against that of the Sikhs who are less than a lac. The headworks of the Lower Chenab Canal are situate at Khanke in this district and this canal as well as the Upper Chenab Canal irrigates besides this district the districts of Sheikhpora and Lyallpur as well they are the Muslim majority districts. Reliance here too is placed by the non-Muslims on the amount of taxes paid by them, but as stressed above this is altogether irrelevant. Nor can the mere fact that Maharaja Ranjit Singh was born here turn the scale in favour of the Sikhs for if this be criterion, Muslims can rightfully claim many places in India where many of their great men and great kings were born.

Much stress has been laid in the Congress memorandum on the District of Gurdaspur. It is urged that has a great affinity with the District of Amritsar and that really speaking the two districts form a single unit. It is further stated that the whole of the trade of the District of Gurdaspur passes through Amritsar. Attempt has further been made to discredit the population figures of this district as contained in 1941 census. It is also observed that if a plebiscite on the basis of the figures of adult population for the year 1931, the Muslims will

undoubtedly lose this district. All these arguments are fallacious. I have already discussed above the futility of condemning the census figures inasmuch as there is no other alternative which can be adopted by the Commission with a view to ascertaining the population of any locality. There is no substance, therefore in this objection and as lucidly explained by Sir Mohammad Zafrullah Khan, the matter relating to adult population also proceeds on a wrong basis. In 1931 the number of Muslims below the age of 20 was much larger than that of non-Muslims and if any plebiscite was held in 1947, those naturally would be entitled to vote and thus sweep the polls. The argument that this district bears such a great affinity with Amritsar that both should go together helps Muslims equally with non-Muslims. Not only the district as a whole is a Muslim majority district the three Tehsils of Batala, Gurdaspur and Shakargarh are also predominantly Muslim. Mr. Setalved sought to throw some doubt on the correctness of the figures for Shakargarh but on a reckoning that took place under the orders of the Commission it was definitely ascertained that Muslims were about five thousand more than all the non-Muslims combined. Muslims no doubt are in a minority in Pathankot but seeing that the Madhopur headworks are situated in this district, a major portion of it if not the whole would be allotted to West Punjab. Some seven miles below Madhopur is situated Malakpore Field Hydraulic Laboratory which is the only one of its kind in the whole of Pakistan. West Punjab, the land of canal irrigation, where major hydraulic problems have to be faced and solved cannot dispense with this laboratory. Again, if the Hydro-electric plant at Joginder Nagar is interfered with by East Punjab, Pathankot Tehsil can afford a suitable for setting up a Hydro-electric plant for West Punjab at a place 8 miles above Madhopur. It is further the best fruit and sugar cane grower and both limestone and coarse river sand used for building purposes are mainly found here. It is obvious that West Punjab can ill afford to lose these advantages.

Batala Tehsil besides being overwhelmingly Muslim is claimed to be the Birmingham of Pakistan. There are a large number of first class factories and foundries which are mostly owned by Muslims. Besides, a number of important Muslim shrines are located there. It is in this tehsil that the town of Qadian is situated which has been claimed by the representatives of the Ahmadiyya Community to be the living centre of a living organisation. There are ample reasons, therefore, for Muslims to insist on the retention of this district in west Punjab.

Coming now to the District of Amritsar. It is not denied that Muslims are in a clear majority in Ajnala Tehsil where their percentage is 59.4, they are no doubt in a minority in the Tehsils of Amritsar and Tarn Taran but even there they are 45.5 and 40.6 of the total population which can in no circumstances be considered insignificant. This district is however, surrounded on all sides by the Muslim majority areas and consequently the two Tehsils of Amritsar and Tarn Taran form an island entirely cut off from the rest of non-Muslim majority areas. Contiguity being a necessary factor, non-Muslims cannot as of right claim to keep this district in East Punjab. It is obvious that merely for the lack of contiguity Muslims have lost the two Tehsils of Nuh and Ferozepur Jhirka in the District of Gurgaon despite their being an overwhelming majority there. It is true that the town of Amritsar contains the Golden Temple of the Sikhs but that by itself does not necessarily establish the non-Muslim claim to this town unless other essential factors exist. It will be seen that Muslims even in the town of Amritsar are 47.1 per cent as against 15 per cent of Sikhs and are consequently more than three times their number there. The allotment of Amritsar to

West Punjab would remove several complications in the matter of communications and would further improve the position of Sikhs generally in West Punjab.

In the four Tehsils of Ferozepore, Zira, Nakodar and Jullundur, the Muslims are admittedly in a majority and besides own considerable amount of landed property there. All these areas further bear indelible marks of Muslim culture and will be out of place in East Punjab. Similar observations apply to the other areas claimed by the Muslim League and both on the basis of population and other considerations, they must be placed in West Punjab.

It now remains to consider whether the Hindu-Sikh case that in a tract covering an area of 3,000 square miles and extending over some of the districts mentioned above they constitute a clear majority over the Muslims is valid to any extent. The upper portion of the tract is a part of the District of Kangra and thus not open to any objection. The rest of it, however, is based more on fancy than on facts. Taking for example Shakargarh Tehsil of the District of Gurdaspur, an attempt has been made to show as if the whole of it was a contiguous non-Muslim majority area. But if the village figures of this tehsil supplied by the non-Muslims themselves are scrutinised, it would appear that besides there being a Muslim majority in the whole tehsil a large number of Muslim majority villages break the so-called contiguity relied upon by the non-Muslims and in some places as many as a dozen villages intervene between one non-Muslim village and another. An area dotted like this can hardly be called an non-Muslim area. Exactly similar observations apply to the rest of the area marked red by both the Congress and the Sikhs. In Sheikhpora the Sikhs claimed that they were in majority in Karkan and Sangla, Sialkoti zails which obviously intervene between the non-Muslim zails in the tracts claimed by them. But when this statement was challenged by the Muslim League and reckoning took place in the office of the Commission itself, it turned out that those two zails were definitely Muslim majority zails. I have already animadverted upon this map and criticised it on the ground that it is unsupported by correct figures and on a question put to Mr. Setalvald he had to admit that it was not their contention that in the tract claimed on behalf of non-Muslims, Muslim villages were not mixed with non-Muslim villages. It is also apparent that not only on both sides of the tract but even intervening between its two arms claimed to be non-Muslim majority areas, huge Muslim areas are located. This tract therefore lacking both majority and contiguity cannot be assigned to East Punjab.

It must be remembered that the Punjab was the first Province where in the beginning of the 11th century the invaders from north-west founded a Muslim Empire on the strength of which they later conquered the whole of India. Their reign continued undisturbed for several centuries until the disintegration of the Mughal Empire and then came the dire days for the Muslims in India. They gradually lost kingdom after kingdom to the British and the last vestige of their rule disappeared when in 1857 the last Mughal King dethroned and imprisoned. The subsequent history of Muslims was in the later half of the 19th century is one of oppression and exploitation on all sides. No wonder therefore that in the Punjab every inch of which was subject to their rule the Muslims lost all prestige and with that their worldly possessions too. The Hindus who had after mutiny been favoured by the then rulers at the cost of Muslims grew more and more in wealth and power and all combined to undermine the very existence of the Muslims. Sir Malcolm Dalling in the book so frequently quoted by the non-Muslims in their arguments namely, "*The Punjab Peasant in Prosperity*

and Debt" has said:

"There is one other feature that must be noted in regard to debt in the Punjab. Though almost the whole amount has been advanced by Hindus and Sikhs, neither being debarred by religion from the taking of interest, well over half has been incurred by Mohammedans. Forming 57 per cent of the rural population Mohammedans must owe at least 78 crores and seeing that they are generally more involved than their neighbours the amount probably exceeds 80 crores."

The urban Muslims, too, had fared no better. The British Government did come to the relief of the rural population but only after they had been deprived of a substantial part of their landed property by their exacting creditors. The Land Alienation Act was enacted in the beginning of the present century and it is mostly due to this piece of legislation and the subsequent colonization that one sees Muslims still owning some landed property in different districts of the Punjab. The lot of the urban Muslims, however, did not improve and consequently they lagged behind their more resourceful neighbours in every commercial and industrial concern. They were even late in education. The miserable plight in which they were found all over India invited the pity of every rightminded person and even the Right Honourable Mr. R.G. Casey, an Australian by birth, who had come here for a short period only as Governor of Bengal, was not left unimpressed. In his book "*An Australian in India*" written after he relinquished his charge of Governorship one comes across the following passages which are most pertinent to our investigation:-

"The Muslim League have worked themselves up into a state of mind that can only be called Hindu-phobia. Not that there is not some justification for this. The caste Hindus have dealt with the Muslims with minimum warmth and generosity or even fairness. When and where the Hindus have been in the saddle the Muslims have had the rough end of the stick. The Caste Hindus have given the Muslims little evidence that they believe in a fair deal--and they deny them a fair deal.

It may well be asked at this stage, "what is it that is bothering the Muslims? What is the reason for their intensity of feeling towards the Caste Hindus? There must be some thing of real importance to explain the Hindu-phobia of the Muslims which makes them so passionate and so uncompromising; so determined not to be dominated by the Caste Hindus."

"It is essential to answer these legitimate questions, if the present state of high tension in India is to be understood and disaster is to be averted.

I believe that the present state of mind of the Muslims can be analysed into two principal factors - one that can be called the memory of past humiliations and the other the lack of present of economic opportunity."

"Firstly it has to be realised that for the last 50 years at least the Caste Hindus have been the "haves" of India and the Muslims have been the "have-nots." By this I

mean that in all intellectual pursuits, in wealth, in education and the ability to lead reasonably comfortable and sophisticated life, the Hindu have been on top and the Muslims some distance below. . . .

“Notwithstanding their earlier neglect of education the Muslims are now coming on fast, but they have left their run rather late. By reason of their several generations of modern education and sophistication and participation in business and affairs, the Muslims find the Hindus today firmly ensconced in practically all the business activities of India, and Hindu-Muslim feeling is so keen that the Hindu owners and managers of enterprises are careful to employ only the Hindus so that the opportunities for employment of Muslims are limited. To a very large extent throughout India the mills, factories, workshops and merchant-houses are Hindu (or at least non-Muslim) owned and controlled. And it is too much to say as regards employment in the great majority of Hindu-controlled businesses, that no Muslim need apply.”

“It is easy to understand the resentment that this creates and to appreciate the determination of the Muslims to get a place in the sun and fair economic chance for themselves and their children. In other words I believe that the principal present-day motive behind Pakistan is economic, the urge on the part of the Muslims (particularly in the cities) to advance themselves economically.”

(Pages 73, 74, 75 and 76).

The miserable plight of the Muslims and the reasons behind their insistence on division could not be expressed in better, clearer and more forcible terms and it is apparent that even the whole memorandum of the Indian National Congress has been drafted with the mentality exposed by Mr. Casey, There is the same insistence on wealth, on mills, on workshops, on houses, on taxes and such like things. Their philosophy is akin to that of a robber who first deprives his unfortunate victim of the bulk of his property and then claims the rest on the strength of his possessing the bulk. And it is clear that such arguments cannot be allowed to prevail. The Province of the Punjab was once before partitioned by the British Government and five districts in which the Muslims were overwhelmingly in majority carved out into a new Province called the North-West Frontier and now the Muslims of the Punjab have again been deprived of a substantial part of the Province where even under the notional division as many as four millions of them reside and earn their livelihood, and if the case now presented by the Hindu-Sikhs is accepted to any extent, it would again tell heavily on the unfortunate Muslims.

The Hindus and Sikhs are born and brought up in an atmosphere of hatred towards the Muslims and this Muslim hatred on their part is at its peak today. A well-known and leading institution of the Sikhs at Amritsar known as Shromani Akali Dal has very recently issued instructions to the Sikhs to carry out the following programme:-

1. No purchase should be made from Muslims.
2. No Muslim should be employed as a labourer.
3. No alms should be given out of pity to Muslim *faqirs* as they are the agents of the Pakistanis and convey news.

4. No house or shop should be rented to a Muslim.
5. No Muslim lawyer or doctor, etc., should be engaged.
6. In our shops, mills and factories and other commercial institutions, no Muslim should be given service.
7. The Muslim vegetable-sellers, milk-selling Gujjars and tonga drivers should be boycotted.
8. No Muslim tenant should be kept and where any such are employed they should be evicted gradually.
9. No Muslim washerman, tailor, barber, weaver, potter, dyer, *Qaaligar*, *Mirasi*, *Musalli*, Ironsmith, workman, midwife, etc., should be given any employment."

The leader of the Sikhs and Hindus have as recently as February and March, 1947, given expression to the following public utterances:-¹

1. The Sikh had the ability to keep the Muslims out of Eastern Punjab. But why should we stop there? We would drive them out of Punjab entirely.
(Master Tara Singh, February 28).
2. Khalsa: Rise and gird up your lions. The momentous hour has approached. May God be our guide and guard us.
(Master Tara Singh, March 3)
3. The time has come when the might of the sword alone shall reign. The Sikhs are ready. We have to bring Muslims to their sense.
(Master Tara Singh, March 4)
4. O Hindus and Sikhs, your trial awaits you ***** Our motherland is calling for blood and we shall satiate the thirst of our mother with blood. We crushed the mighty Mughlistan and we shall trample Pakistan. ***** I have sounded the bugle. Finish the Muslims League.
(Master Tara Singh, March 4)
5. Our battle-axe shall decide if the Muslims shall rule.
(Giani Kartar Singh)
6. Jats embraced the Sikh cult to put an end to Muslim rule and the same Jats will once again fight with their lives.
(Chaudhuri Lahri Singh, an Ex-Minister, March 4).

Is this the purpose with which the Hindus and Sikhs have now combined to drag at least 96 lacs of Muslim within their Province and will any reasonable person blame the Muslims if they refuse to be entrapped in their snare. The Sikh both here and in England have started on a programme of intimidation on all sides. They are everyday proclaiming from the house-tops that they would not accept any award that does not fully comply with their demands. May God grant us fortitude enough to ignore such threats and may He so guide us in our present righteous cause.

The 5th August, 1947

DIN MOHAMMED.

1. Evidently for the political reasons all these lines are torn out of their respective contexts.

Sir G.E.B. Abell to Lord Mountbatten

I.O.R. MB 130

Seal
Broadland
Archives

I had half an hour with Mr. Jinnah this evening about the Punjab.

2. He says that he thinks it would be unwise to wait to see the reactions of the Sikhs after the announcement of the award. He is personally in favour of arresting the more extreme Sikhs at once. He only agreed to simultaneous action on the announcement of the award in order to meet the point of view of Sardar PATEL.

3. He does not think it would be any use having a further meeting with Y.E. and Sardar PATEL. nor has he really got time to do so before he leaves.

4. If Y.E. cannot agree to what he suggests he must leave it to your own judgement.

5. He said that he thought Sardar PATEL would welcome trouble from the Sikhs in the CENTRAL PUNJAB and only accepted the arrangement at the meeting because, in the light of the facts as reported, he had no alternative.

6. I think the matter is important enough to get the Governor of the PUNJAB down here for discussion.

Ed./- G.E.B. Abell
6.8.47

H.E.

**Extracts from the Record of Decisions of the Partition Committee meeting
held on the 6th August 1947, in the Partition Office**

Present

His Excellency the Governor
Mr. Zahid Mussain
Sardar Shaukat Hyat Khan
Dr. Gopi Chand Bhargava

Sardar Swaran Singh
Messers Yaqub Shah and Sachdev

The record of decisions of the meeting of the Partition Committee held on the 4th August was amended as follows:-

Item 6

The portion in the middle from "as regards division upto the Central Partition Committee" should be deleted and instead the following substituted:-

"As regards division of assets of those Provincial institutions, representative of West Punjab held that such division would be inconsistent with the general view taken at the Center that bodies which have separate legal entities should not be partitioned. The representatives of East Punjab contended that both in law and equity, a division should be made and this should be carried out on an agreed formula. On the last point that, i.e. division of assets, it was decided that both parties would state their cases after the award of the Boundary Commission was known for decision by the Central Partition Council."

Item 9(e) paragraph 15

This will read as follows :-

The Central Steering Committee should be asked to let us know their decision in regard to pensions. It was, however, agreed that the pensioners will continue to draw their pensions in accordance with the present rules, subject to such adjustments on accounts between the two provinces as may be found to be necessary. Suitable publicity should be given to this arrangement.

Item 10(d), paragraph 9-

This will read as follows:-

"The Steering committee should further go into the question of expenditure incurred in connection with the transfer of records, furniture, machinery personnel, etc., occasioned by the impending partition of the Province on 15th August, 1947. The question for consideration was whether these allowances should not be met by the Government of destination. A report should be submitted as early as possible.

Item 10(f), paragraph 16

In line 2 and page 5 place full stop after the word "Provinces". For the remaining portion of this paragraph read as under:

"It might be desirable in view of the provisions of sections 78-80 of the Government of India Act, 1935 for the Government to make an order under section 9 of the India Independence Act to the effect that for some specified period, a Budget authenticated by the Council of Ministers shall be deemed to be a valid budget against which expenditure may be incurred. Mr. Justice Cornelius might be requested to advise on the legal aspect of the case".

Item No. 2 Part II

- (a) Both sides will prepare their cases in regard to the ratio for the division of financial assets and liabilities within 14 days after 15th August 1947. The division of financial assets and liabilities in the ratio of 36E and 64W on a purely provisional basis was agreed to subject to the condition that securities worth an agreed amount only shall be made available for division between the East and the West in the above proportion and subject further to the proviso that securities shall not be cashed, till the final settlement was made. The representatives of the East reiterated their intention to ask for a larger share of the securities to cover the amount that may be found to be due to them from West Punjab. The question as to the amount of the securities to be made available for division was left to be decided in the next meeting.
- (b) Sardar Swaran Singh raised the question of issuing of orders by Governor under section 9 of the Indian Independence Act authorising the Council of Ministers on each side to incur expenditure till such time as the budget could be passed by the Legislative Assemblies on both sides. It was decided to refer the matter to Mr. Justice Conelius for legal advice.

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**MINUTES OF THE SIXTEENTH MEETING OF THE PARTITION COUNCIL
HELD ON WEDNESDAY, THE 6TH AUGUST, 1947**

Statement by the Punjab Partition Committee

Partition Proceeding Vol. IV p. 26.

Case No. PC/147/16/47

His Excellency said that he regretted that the Punjab Partition Committee had been unable to fulfil the promise made to him that they would issue a statement on the lines of the one issued by the Central Partition Council, assuring minorities of fair treatment etc. The reason was that Sardar Swaran Singh had been unable to persuade any of the Sikh leaders to sign the statement, it was embarrassing for him to sign it without their support, and in such a case it would have little practical value.

**Report of Mr. Justice Muhammad Munir
(August 6, 1947)**

Partition Proceedings Vol. VI p. 265-302

By an announcement of His Excellency the Governor-General, dated the 9th July, 1947, in pursuance of paragraph 21 of the statement of His Majesty's Government, dated 3rd June, 1947,* and with reference to paragraph 9 thereof, we were appointed members of the Punjab Boundary Commission to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims, and in doing so were also instructed to take into account other factors. The first formal meeting of the commission was presided over by the Chairman on 14th July, 1947, when we were informed that after hearing the parties concerned in the absence of the Chairman we were to discuss our own views with him and that he alone would communicate his decision to His Excellency the Governor-General. This was somewhat remarkable but the position was clarified when two days later an amendment to the India Independence Bill, which was then before the House of Commons, was introduced by Government, by which the award of the Chairman of Commission was to be the award of the Commissioner the purposes of that Bill.

By a general advertisement in the newspapers all organisations which considered themselves interested in the matter were required to put in their memoranda in the office of the Commission by 4 p.m. of the 18th July, 1947. In pursuance of this direction some fifty memoranda by different organisations and societies were received and in accordance with the decision arrived at in the presence of the Chairman the time available was divided between the two parties, the Muslims and the non-Muslims. Mr. Justice Din Muhammad has in his report dealt with the general aspect of the question and claim of the Indian National Congress on behalf of the non-Muslims. I agree with all his conclusions and propose to discuss in this note only the Sikhs' claim vis-a-vis the Muslims.

The Punjab has twenty-nine districts which, according to notional division announced by His Excellency the Governor-General on 3rd June, 1947, were divided in the Western Punjab and the Eastern Punjab. Seventeen districts, namely, Lahore, Gujranwala, Gurdaspur, Sheikhupura and Sialkot in the Lahore Division, Rawalpindi, Attock, Gujrat, Jhelum, Mianwali and Shahpur in the Rawalpindi Division, and Multan, Dera Ghazi Khan, Jhang, Lyallpur, Montgomery and Muzaffargarh in the Multan Division, were put together to constitute the Western Punjab while the remaining twelve districts, namely, Ambala, Karnal, Rohtak, Hissar, Gurgaon, and Simla in the Ambala Division Jullundur, Ludhiana, Hoshiarpur, Kangra and Ferozepore in the Jullundur Division, and Amritsar in the Lahore Division were provisionally separated to form the Eastern Punjab.

* Vide Document no. 54.

With the exception of a portion of the Pathankot Tehsil in the district of Gurdaspur, the All India Muslim League seeks to retain the whole area allotted to the Western Punjab, and further claims from the Eastern Punjab the whole of district of Amritsar, the Tehsils of Zira and Ferozepore and a portion of Fazilka and Muktsar Tehsils in the Ferozepore District, the Tehsils of Nakodar and a portion of Phillaur and Nawanshahr Tehsils in the Jullundur District, a portion of Jagraon, Ludhiana and Samrala Tehsils of the Ludhiana District, a portion of Hoshiarpur, Dasuya, Una and Garshankar Tehsils in the Hoshiarpur district.

The Sikhs defend the claim of the non-Muslims to the twelve districts of the Eastern Punjab and further claim from the Western Punjab Lahore, Gurdaspur, Sialkot, Gujranwala and Sheikhupura Districts in the Lahore Division, and Lyallpur and Montgomery Districts and Khanewal and Mailasi Tehsils in the Multan Division. Thus the disputed area is:-

- (1) Lahore division — Lahore, Gurdaspur, Sialkot, Gujranwala, Sheikhupura and Amritsar Districts;
- (2) Multan Division — The whole districts of Lyallpur and Montgomery and the Tehsils of Mailsi and Khanewal in the Multan districts;
- (3) Jullundur Division — The Tehsils of Nakodar and Jullundur and a portion of Phillaur and Nawanshahr Tehsils in the Jullundur District, the Tehsils of zira and Ferozepore and a portion of Fazilka and Muktsar Tehsils in the Ferozepore District, a portion of Jagraon, Samrala and Ludhiana District, and a portion of Hoshiarpur, Una, Garshankar and Dasuya Tehsils in the Hoshiarpur District; and
- (4) Ambala Division — A portion of Rupar Tehsil in the Ambala District.

By our terms of reference we have to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims, and in doing so we have to take into account other factors. In the order to determine the precise scope and function of our enquiry it is necessary to give a brief general idea of the events that led to the appointment of the commission.

The All-India Muslim League was founded in 1906. Its object was not thwart to resist the struggle of the Indian National Congress for independence but it claimed a special position for the Muslims in the future constitutional set-up of the country, which claim was denied by the Congress. Except for a very brief period when the All-India Muslim League and the Indian National Congress held their sessions together in 1915 and 1916 and the Congress decided to sponsor the Khilafat Movement, these two organisations never saw eye to eye with each other on the various constitutional schemes that were proposed from time to time for the future government of this country. But the Khilafat Movement did not invoke much enthusiasm, the old differences soon reasserted themselves; and the end of the Khilafat agitation was marked by communal disorders and riots throughout the length and breadth of the country. The Congress stuck to the doctrine of the geographical and political unity of India while the Muslims claimed that the Muslims constituted a separate nation and were entitled to special treatment in any future constitutional re-adjustment. The Muslims being in a minority in the country were apprehensive and distrustful of the Congress and in a unitary form of Government, whatever might have been its function and details, would have been completely at the mercy of the Hindus because the bulk of the Muslims never

treated the Congress otherwise than as a purely Hindu body. In everything that matters in life the Muslim differs from the Hindu, and in a strong central Government the Muslims could never expect to preserve their culture or retain their outlook on life. But the Congress would not recognise the Muslims as a separate nation or admit their claim to any special position and stubbornly stuck to its fetish of nationalism and political unity.

The Government of India Act, 1935, partially recognised the special position of the Muslims but it fell far short of acknowledging them as a separate nation because in the proposed federation it subjected them in all central matters to the domination of the Hindus. The fears of the Muslims were enhanced by the manner in which the Muslims were treated in the Provinces in which Congress Ministries had acquired power under the Act of 1935, and they began to think of complete separation as the only way of preserving their culture and traditions. Consequently the All-India Muslim League in its annual session held in Lahore in March, 1940, passed the following resolution:-

"That it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in the country or acceptable to the Muslims, unless it is designed on following basic principles, namely that geographically contiguous units are demarcated into regions, which should be so constituted with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India, should be grouped together to constitute independent States in which the constituted units shall be autonomous and sovereign."

In the next annual session held at Madras in April, 1941, the objective of the Muslim League was re-defined as follows:-

"The establishment of completely independent States formed by demarcating geographically contiguous units into regions which shall be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, shall be grouped together to constitute 'Independent States' as free Muslim national homelands in which the constituent units shall be autonomous and sovereign."

After this resolution which may be called Pakistan resolution some further efforts were made to bring about an understanding between the two communities, but they all resulted in complete failure. The Gandhi-Jinnah talks ended in a fiasco and Lord Wavell's efforts in this direction proved abortive. It was in these circumstances that the Cabinet Mission came to India and after discussing the position with the leaders of the several parties announced their plan of May 16. This plan rejected the Pakistan claim but the proposed mechanism gave a sort of sub-federation to the Muslim majority provinces. Feeling that the plan contained the seeds of Pakistan and that if worked in a friendly spirit it would give to the Muslims some sphere of freedom, the Muslim League was the first to accept it. The Congress also professed to accept the plan but immediately thereafter openly espoused the cause of Assam and the North-West Frontier Provinces, where Congress ministers were functioning, that they could not be forced to join the Muslim Group of the Constituent

Assembly against their wish. As grouping was an essential, perhaps a fundamental part of the grouping scheme devised by the Cabinet Mission, the Muslim League thought that the Congress had gone back upon its acceptance of the plan. The League, therefore, repudiated the plan and re-asserted its demand for a Sovereign State of Pakistan. Lord Wavell, in pursuance of the Cabinet Mission plan, handed over entire power at the Centre to the Congress, as the Muslim League would not work the scheme, and immediately afterwards communal disturbances started in the country. They originated in Bombay and Ahmedabad and soon spread to Bengal and thereafter to Bihar, a Congress Province, where in several tracts the Muslims inhabitants were almost wiped out in a most systematic and organised manner, the massacre lasting for several weeks.

Apprehending that communal riots might spread to this province, the Governor of the Punjab promulgated an Ordinance called the Punjab Public Safety Ordinance to keep in readiness a machinery which if communal disorders extended to the Punjab might be brought into immediate use. This ordinance gave wide powers to the Executive including the power to declare an association unlawful. At this the Ministry in power in the Punjab was the Coalition which, though headed by a Muslim Unionist, Sir Khizar Hayat Khan Tiwana, was dominated by the Hindus and the Sikhs, the Muslim Unionist Members occupying only a subservient and insignificant position. When after the termination of the war general elections to the provincial Legislature were held in February 1946, the Muslim League, with the exception of few seats secured by the Unionist Party, swept the polls and was returned as the largest single party. Seeing the possibility of formation of a Muslim League Government, the Congress sent to Lahore Maulana Azad, who then the President of the Congress, so to arrange matters that the Muslim League could not form Ministry. Sir Khizar Hayat Khan, the Leader of the Unionist Party who had now only an insignificant number of followers, was baited by Azad with Premiership and since neither the Hindus nor the Sikhs could tolerate a Muslim League Ministry, they were too eager to join the Unionist Party with a view to ousting the Muslim League from the field of provincial administration. Thus a Ministry with a highly artificial complexion was set up; the leader of the most insignificant party was made the Premier and in return the Hindus and Sikhs grabbed all the power, as the Premier, commanding only a few votes in the Legislature, could hardly find himself able to resist Hindu aggression on Muslim rights. The short period during which the Ministry was in power is a story of ruthless exploitation of the position by Hindus and Sikhs to the utter detriment of Muslim interest. Consequently a wave of resentment against the Ministry spread throughout the Muslims of the Province, and Sir Khizar Hayat Khan felt that unless he succeeded in crushing the Muslim League movement in the Province, his days were numbered.

Demand for Partition and the principal on which it was accepted.

The blow was struck on 24th January, 1947, when the organisation known as the Muslim National Guards, which was an integral part of the Muslim League, was declared unlawful under the Punjab Public Safety Act. This led to a mass movement of civil disobedience all over the Province which, though it lasted for over a month, remained, with the exception of a few incidents, perfectly peaceful. All the Muslim League Leaders were put under arrest and there was no end of the common people who daily marched in

procession to court arrest It was during the continuance of this agitation that His Majesty's Government announced on 20th February, 1947, their intention of transferring power to Indian hands by June, 1948.* Unable to cope with the agitation but on the pretext that intended transfer of power the Muslim League party which was the largest single party in the Provincial Legislature should receive its share. Sir Khizar Khan Tiwana resigned, and on 3rd March, 1947, the Governor visited the Khan of Mamdot, the Leader of the Muslim League Party, to form a Government. This completely upset the Hindu and Sikh Ministers, and though the Khan of Mamdot invited them to co-operate with him in the administration of the Province and to take their due share in it, leaving all India questions to be decided by the Congress and the Muslim League High Commands, they spurned the offer, and Lala Bhim Sen Sachar, one of the outgoing Ministers and the leader of the Congress Party, and Master Tara Singh leader of the Sikhs, publicly proclaimed that on no account would they have a Ministry in which the Muslim League had any share. A meeting of the Hindu and Sikh members of the Provincial Legislature was held in the Assembly building in which a Council of Action was formed and the Sikh leader, Master Tara Singh, appointed its dictator. After the meeting Master Tara Singh appeared on the steps of the Assembly building and before a large crowd which had gathered outside it brandished his sword and proclaimed that the Sikhs were ready and that might of the sword alone shall rule. This immediately led to communal disorders of a very grave nature which soon spread to Rawalpindi and Multan. The Leaders of the Sikhs went to the Congress High Command at Delhi and requested them to ask for partition of the Punjab. Pandit Jawahar Lal Nehru himself came to Lahore where he conferred with Sikhs and on his return to Delhi the Congress Working Committee passed a resolution demanding a partition of the Punjab.**

The demand was communicated to the Viceroy who had been discussing the general political situation with the leaders. Lord Mountbatten communicated the proposal to His Majesty's Government who by their statement dated the 3rd June, 1947 accepted the principle of partition of the Punjab and effected a notional division separating the seventeen Muslim majority districts from the remaining twelve non-Muslim majority districts in order to ascertain the wishes of the people in regard to the intended transfer of power. At a subsequent meeting of the Eastern and Western Punjab sections of the members of the Provincial Legislature the Sikhs without an exception voted for partition of the Punjab in accordance with the proposal outlined in the plan of 3rd June, 1947. It is with this background in view that the claim of the Sikhs has to be approached and determined.

The Pakistan demand of the Muslim League had been rejected by the Cabinet mission on the ground that it would involve a partition of the Punjab and that any division of this Province on a population basis would be detrimental to the Sikhs because it would split them in both sides of the boundary (vide paragraph 7 of the Cabinet Mission Plan). The point needs emphasis because the Sikh leaders must be presumed to have read the Cabinet Mission plan and to have been aware of the possible disintegration of their community if the Punjab were divided. Therefore, if with full knowledge of this consequence, they themselves requested the Congress to ask for partition, they must be deemed to have been not only a willing but an anxious party to the partition which involve their own disruption.

* See Document no. 9.

** See Document no. 13.

The matter was put beyond doubt by His Excellency the Viceroy's broadcast on June 3 while unfolding His Majesty's Government's Plan of that date for the transfer of power to India. In the course of that broadcast he said:-

"Since my arrival in India at the end of Maarch, I have spent almost in consultation with as many of the leaders and representatives of as many communities and interests as possible. . . ."

"Nothing I have seen, or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a united India would be by far the best solution of the problem.

"For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency, an absence of tariffs and customs barriers and the basis for an integrated political economy. My great hope was that communal differences would not destroy all this.

"My first course in all my discussions was to urge the political leaders to accept unreservedly the Cabinet mission Plan of 16 May, 1946. In my opinion that plan provides the best arrangements that can be devised to meet the interest of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority to live against their will under a Government in which another community has a majority and the only alternative to coercion is partition.

"But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. In fact neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of Provinces as I am to the partition of India herself and for the same basic reasons.

"For just as I feel there is an Indian consciousness which should transcend communal differences, so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their provinces.

"And so I felt it was essential that the people of India themselves should decide this question of partition.

"It was necessary in order to ascertain the will of the people or the Punjab, Bengal and part of Assam, to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

"We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab but they are so distributed that any partition of this Province will inevitably divide them. All of us, who have the good of the Sikh community at heart, are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will, of course, be represented."

Addressing a Press Conference on the following day His Excellency again said:

"So while I did my very best to get the Cabinet Mission scheme accepted a scheme which at one time had been accepted by every community, the riots and bloodsheds throughout the country made the prospects of its acceptance obviously pretty remote. The Cabinet Mission plan is not an enforceable plan. It depends on goodwill and mutual co-operation. You cannot make the Cabinet Mission plan work any more than you can make a horse drink after taking him down to the water. So, when it became clear that it could not be made to work with the complete free will of at least one of the major communities, I started to find out an alternative. All the Muslim League leaders to whom I spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in my mind, my next point was to see whether the Congress would agree to abandon the principle of unity for which they had stood for so long to the extent of allowing those areas that did not wish to stand for unity to form a separate Constituent Assembly. I found that they stuck by the principle of non-coercion. They said that any Province or area which did not wish to come into the existing Constituent Assembly but they very naturally insisted that no large non-Muslim areas should be brought into the new Constituent Assembly. When I spoke to Mr. Jinnah and the other Muslim League leaders on the point, they were, of course, as much distressed as were the Congress leaders at the prospect of the partition. Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that of course. The idea was that if Assam was to be partitioned, then Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated. I felt from every point of view that the people of India should take it upon themselves to make up their own mind what they wanted to do for the future of their country. The next problem was how to produce the mechanism to ascertain the will of the people. Clearly adult franchise plebiscite would be the democratic idea. But such a process was utterly impracticable at this moment when we wanted a very quick answer and speed was the one thing which every body desired. Elections were held last year and the Legislative Assemblies appear to me to be the right people to give a quick decision as to the wishes of the people. And so we devised the scheme the details of which you have read in the statement made by His Majesty's Government. But I want to point out that at every stage and every step when this Plan was developed I worked hand in glove with the leaders with whom I was ultimately going to discuss the Plan. The Plan came as no shock to them and no surprise to them, for although I did not actually produce the written Plan, I continued to make notice when they saw me and I asked them whether this was the right way or whether that was the right, and together we gradually constructed a plan which obviously cannot meet the complete approval of every body because if it did my services would have been quite unnecessary. Ages ago the solution would have been found between the leaders themselves. The only service I can claim has been to try as honestly and as impartially as possible to reconcile the various points of views and find to what extent their views meet the views of other parties.

"There are two main parties to this plan, the Congress and Muslim League, but another community much less numerous but of great important the Sikh community have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was, therefore, on that Resolution, which

the Sikhs themselves sponsored, that this division has been provided for. I was not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh population under the proposal, I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of all the parties. So far as it is humanly possible there will be no interference or dictation by the British Government. If we can be of service in advancing impartial views and helping in this work, we shall not be afraid to do so, but this is your country and it is up to you to decide what to do with it. The most gratifying part of the whole procedure has been absolute determination of every responsible leader with whom I have spoken that whatever the solution finally adopted it was going to be adopted peacefully and without any bloodshed, and they were going to throw all their weight to stop any further trouble. Every single member of my Cabinet individually and together has expressed to me the strongest possible wish that the Armed forces of India should be used to ensure that there was no further bloodshed, and that is the reason and the only reason why the Defence Member, Sardar Baldev Singh announced last night the transfer of additional troops particularly into the areas about to be partitioned, the most important being the move of the Fourth Infantry Division into the areas which are to be partitioned in the Punjab. I do not need to tell you that it is not a British move."

Question: The question is how to keep the integrity of the Sikh community intact? What is the provision that you have made in this plan to keep the integrity of the Sikh people intact?

Answer: I must point that the people who asked for the partition were the Sikhs. The Congress took up their request and formed the Resolution in the form they wanted. They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs, I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician. I am an ordinary human being. I believe that it is Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision of any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition. The exposition of the history and the terms of His Majesty's Government's Plan of June 3 in this Press Conference by His Excellency the Viceroy who was the author of the Plan, is of first importance because the implication and the logical details of the scheme were explained by him at great length, and if none of the parties including the Sikhs made any attempt to have the terms of reference to the Commission clarified or made more specific they must be taken to have accepted the plan in all its essential

details. The terms were drafted in consultation with the leaders of the parties who were represented at a Committee. It is to this Committee and the Chairman thereof that His Excellency was referring when he said at the Press Conference:—

“A lot can be done by a Chairman but he cannot impose a decision on any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for Partition.”

The learned Counsel for the Sikhs assumed that the Chairman referred to in this statement was the Chairman of this Commission and that the Committee alluded to there was the Commission. In assuming this he is labouring under misapprehension as reference here is to the Committee that, as stated by His Excellency earlier in the Press Conference the leaders of the respective communities were to appoint to draw up the terms of reference for the Boundary Commission.

From this statement of the events the following conclusions follow:-

- (i) That the Sikhs were fully cognizant of the effect of partition on the integrity of their community. They had been warned by the Cabinet Mission of the possible disruption of their community if the Punjab were partitioned and it was mainly on this ground that the Pakistan plan had been rejected by the Mission. Apart from this, their leader and the politically conscious members of their community must be presumed to have known that any partition of the province would involve a complete disintegration of their community.
- (ii) That being conscious of such dis-integration they themselves ask for partition because it was at their instance that the Congress passed the resolution demanding a partition.
- (iii) That the partition plan was prepared in consultation with their representative in the Central Government who publicly gave his blessings to it by his broadcast of June 3 after its details were unfolded by His Excellency the Viceroy.
- (iv) That the basis of the plan was the “broad and easily understood principle” of the separation of contiguous Muslim majority areas from the contiguous non-Muslim majority areas because, as admitted by every party concerned there could be no question of coercing any large area in which one community had a majority to live against their will under a Government in which another community had a majority.

If either the Congress or the Muslim League had demanded partition of the Province on the basis of contiguous Muslim and non-Muslim majority areas, the Sikhs could have opposed such partition on the ground that it would adversely affect them, and perhaps His Excellency the Viceroy himself who has a great admiration for this community, in order to preserve their solidarity, would have refused to be a party to any such partition. But that is not the position. The Sikhs themselves asked for partition and that too on the principle of contiguous majority areas of Muslims and non-Muslims. If the Sikhs' claim as pressed before us had been put in a Court of Law, they would have found themselves stopped from agitating the matter on the lines they have done before us. They themselves sought partition on the basis of the division of contiguous Muslim and non-Muslim majority areas, and siding

with the Hindus in this demand deprived the Muslims of several districts in the Punjab in which the Muslims constituted a single majority community. In some districts where the disparity between the Muslims and the Hindu population was not much, they turned the scale in favour of Hindus by being counted with them. They cannot, therefore, be permitted now to say that having got what they had asked for by joining with the Hindus, they must be considered as a separate entity, the solidarity and integrity of which the Commission must preserve. The dispute before us is between the Muslims and non-Muslims and the Sikhs must stand or fall with the non-Muslim claim.

The Terms of Reference

The reason for the partition was a recognised fact that the Muslims and the non-Muslims, by the latter being meant Hindus and Sikhs, could not live together nor agree to form a Government. The Muslims were, therefore, permitted by the Plan of June 3 to work out their own destiny in the two Muslim majority tracts where they could be territorially separated from the non-Muslims. This was the ground on which Pakistan was conceded to the Muslims, and precisely the same considerations governed when partition was planned for the two Provinces. The division was to be on the basis of population and the contiguous majority Muslim areas were to be separated from the non-Muslim majority areas. According to the terms of that plan the Boundary Commission to be appointed for partition of the Punjab was to demarcate the boundaries of the two new Provinces on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and in doing so it was to take other factors into consideration (vide paragraph 9 of the Plan). The terms of our reference have been couched in the same words and these were drawn up by agreement of the parties concerned including the Sikhs. Our jurisdiction to execute the work entrusted to us is, therefore, derived from the terms of our reference, and these have to be interpreted in the same way as any other legal document. The terms provide that we have to demarcate the boundaries of the two Provinces but the basis of such demarcation is the ascertainment of contiguous Muslim and non-Muslim majority areas. The words "on the basis of ascertaining" and "in doing so" are of fundamental importance in interpreting the terms of reference and must receive their due import. The word "ascertaining" appears to have been designedly used to emphasize our primary function. Our object is to demarcate the boundaries of the two Provinces but with a view to fixing the boundaries we have to ascertain the contiguous majority areas of the Muslims and non-Muslims.

Mr. Harnam Singh contends that the words "in doing so" relate back not the word "demarcate" but to the word "ascertaining" I cannot accept this contention because such construction would not only be grammatically incorrect but would also permit us to depart from the rules of geometry and arithmetic, inasmuch as it would enable us to hold contiguous what is not physically contiguous and to hold as a majority area what is not a majority area. If, on the other hand, these words qualify the word "demarcate" the sentence is not only grammatically correct but makes perfect sense. It would then direct us first to determine contiguous Muslim and non-Muslim majority areas and permit us to take other factors into consideration when demarcating the boundary between such areas.

If Mr. Harnam Singh's construction were correct, the non-Muslims would at once, be out of court because if other factors can only be considered in asserting the contiguous

Muslim and non-Muslim majority areas, they could not *ex hypothesi* be taken into consideration in demarcating the boundary. At one stage of the arrangements Mr. Harnam Singh had expressly stated that on his own construction the word "demarcate" is not qualified by the words "in doing so" which only relate back to the word "ascertaining". On this construction the ordinary rules of geometry and arithmetic which have to be applied in determining the contiguous majority areas would be modified by historical, geographical, economic, social, cultural, strategic and other similar considerations - by itself an absurdity - but once the contiguous Muslim and non-Muslim majority areas have been so determined, the Commission would have no jurisdiction to take other factors into consideration in demarcating the boundary inasmuch as it must follow from this argument that the demarcation of boundary would not be subject to other considerations and the frontier between the Provinces shall have to be fixed on the basis of the contiguous Muslim and non-Muslim majority areas, once they have been ascertained in accordance with the construction suggested by Mr. Harnam Singh.

In my opinion the words "in doing so" qualify the antecedent verb 'demarcate' and can only mean that the other factors to be taken into consideration must be *ejusdem generis* and necessarily connected with the question of contiguity or majority of the inhabitants of the area. Such factors, however, must occupy a subordinate position and can be resorted to only where the principle of contiguity or majority does not clearly work or requires only a minor modification. Boundary making is now a well recognised subject and the principle by which the creation of frontiers is governed are well known. If the terms of our appointment had merely required us, without any limitation, to create a frontier between two States, we could only have done so on well understood principles. But we are not possessed of such plenary powers and can have recourse to general principle only where the major test is missing or a literal application of the major test produces an absurdity or inequity. Historical, geographical, economic, ethnological, religious, social, cultural, defence and a host of other similar considerations are not the factors of much importance, and can come in only where the contiguity or the majority tests do not work, or cause an irreparable damage to one State and place the other in a position of unfair advantage. Thus if a large railway station which can be easily converted into an interchange yard, be situated close to the frontier determined on a majority basis, the frontier may be extended on other grounds to include the railway station. The same principle may be adopted where the Head Works of an Irrigation System which exclusively or principally irrigates a particular majority area is situated just on the frontier of that area or at a short distance from it. Again, if the proportion of the two communities in a particular area be that of 51 to 49 but the 51 per cent community area includes an appreciable number of community which desires to go to the 49 per cent community area and when added to them appreciably increases their percentage and reduces the majority to a minority, the general rule may be departed from. But in the present case, limited as our powers are, we cannot fix the boundary on ethnological, linguistic, cultural or other considerations of a general character and give a go-bye to the main factor of majority. In this view of the matter it seems to me to be a fully irrelevant consideration that a partition of the Province on the basis of Muslim and non-Muslim majority areas would adversely affect the solidarity of the Sikhs.

Solidarity of the Sikhs whether a Factor.

The Sikhs claim is founded on the assumption that just as the Muslims have been allowed a homeland by the June 3 Plan, the Sikhs are also entitled to demand a homeland for themselves before the Commission. It is contended that on grounds, historical, geographical, economic and religious, they are entitled to separate land of their own, and that since they have decided to join the Eastern Punjab, those of them who reside in the Western Punjab must be separated from the Muslim zone and attached to the Eastern Punjab. Neither in the events that preceded the June 3 Plan nor in the terms of reference from which we derive our jurisdiction can any warrant be found for the assumption on which this claim is based. Every argument that has been addressed to us on this part of the case is an argument against partition and the Sikhs position virtually comes to this that they must have all the advantages of unity without having any of the disadvantages of partition and that, even though they themselves demanded and agreed to a partition, they should be permitted to use every argument against partition with a view to claiming an area which on general principle was not partible, on the ground that the so-called solidarity and integrity must be preserved. Put somewhat differently the argument is that all areas where Sikhs are to be found in any number or where their shrines are located must be exempted from partition irrespective of its effect on the Muslim community and that since they have chosen to remain in the Eastern Punjab all such area must be attached to that part of the Province. In urging this claim they completely ignore the essential fact that the Province has to be partitioned and that their claim for the preservation of their solidarity and integrity should have been made and recognised before the announcement of the June 3 Plan. If any such demand had been made and recognised before the Plan of June 3 was announced, the terms of reference would have been differently worded and given us a larger discretion. According to the plain words of our terms of reference we have got to be guided by the contiguity and majority principles which must remain the determining factor in fixing the boundary, and any application or recognition of the general principles so as to ignore or subordinate to such principles the contiguous majority principle would amount on our part to an assumption of jurisdiction which the terms of reference do not give us. In fact if the general principles which are sought to be invoked to establish the Sikhs' claim for their solidarity were given effect to, the Sikhs of the Eastern Punjab will have to be put with their brethren in the West Punjab. As far back as May 1946, the Cabinet Mission had warned the Sikhs that any partition of the Punjab would split them on both sides of the boundary. In his broadcast on June 3 and the Press Conference on June 4 the Viceroy told them that with all his solicitude for them he could not do the impossible and save them from disintegration and that only a miracle worker could keep them more or less together. He suggested to them that if they wanted to make out a special case it was for them to take up their case with the Committee that was to draw up the terms of reference of the Boundary Commission. But the terms of reference drawn up for us are exactly the same as had been announced in paragraph 9 of the Plan of June 3. From this two conclusion follow:

First, that the Sikhs did not take up their case with the Committee and that if they did the Committee did not agree to their being permitted to make a special case; and

Secondly, that the terms of paragraph 9 of the Plan of June 3 which conceded Partition did not contain any solution of the Sikhs' problem and envisaged their complete disruption unless the terms of reference as contained in that paragraph were modified at the instance of the Sikhs. The terms of reference not having been modified by the Committee and being the same as announced in paragraph 9 it follows that the Sikhs cannot be permitted to raise the specific case of their solidarity under "other factors" if the raising of such case violates the basic principle of contiguity and majority.

But it is contended that since in his broadcast on June 3 the Viceroy said that the exact degree of the split of the Sikhs would be left to the Boundary Commission on which they could be represented, the Boundary Commission can permit the Sikhs to raise the specific case of the preservation of their solidarity so as to allow them to claim that be brought as a conglomerate whole within a particular area. I cannot accept this interpretation of the words used by His Excellency, which can mean no more than this that the exact degree of division of the Sikhs would depend on the final partition as effected by the Boundary Commission. Had His Excellency thought that the Commission had unfettered discretion in the matter and could depart from the basic principles of contiguity and majority he would not have been so sorry for the Sikhs as he said he was. On the other hand, the reference by His Excellency in his broadcast of June 3 and the Press Conference of June 4 to there being no "question of coercing any large areas in which one community has a majority, to line against their will under a Government in which another Community has a majority to the Congress argument against the Muslim League for partition of both the Provinces, to the position that neither side proved willing to leave substantial area in which one community had a majority under the Government of the other to the inevitable division of the Sikhs, to the insistence of the Congress that no large non-Muslim areas should be brought into the new Constituent Assembly, to the separation of Sylhet and its possibly contiguous Muslim majority areas from Assam, and to the impracticability of the adult franchise plebiscite shows quite clearly that the principle that was to govern the partition was the separation of the contiguous Muslim majority areas from contiguous non-Muslim majority areas, irrespective of its possible effect on the position of the Sikhs. That being so, it will be a gross violation of the basic principle if in order to let 1,925,318 Sikhs to remain with their brethren in the East Punjab we were to ignore the interests of 6,386,045 Muslims and to coerce them to go under a Government in which another community has a majority.

The absurdity of the Sikh claim is demonstrated by the result that if conceded it will reduce the number of Muslims in the Western Punjab to three millions less than the number of Muslims in the Eastern Punjab. The Western Punjab will be left with only three productive districts, i.e., Gujrat, Shahpur and Multan and with only 28 per cent of the total irrigated area of the present province as against 72 per cent of such areas that will go to the Eastern Punjab. And if as suggested on the non-Muslim side voluntary transfer of population is bound to take place as a result of the partition, what inducement will there be for more than nine and a half millions of Muslims from Eastern Punjab and about thirty millions of Muslims from the other Provinces of the Indian Dominion to come over to the West Punjab. Not surely barren rocks and arid wastes beyond the Jhelum.

The geographical factor does not help the Sikhs as it is not peculiar to them beyond the incident that there fewer Sikhs on the British cis-Sutlej side and the trans-Indus side. Of

course, their proportion in the populations of Ludhiana, Ferozepore, Amritsar, Gurdaspur, Lahore, Sialkôt, Gujranwala, Gujrat, Sheikhpura, Lyallpur and Montgomery districts is comparatively higher than in the cis-Sutlej and trans-Indus zones but even in these districts it ranges from 10.8 per cent in Gujranwala to 41.8 per cent in Ludhiana. They are not in a majority in a single district and except in the Tehsils of Moga and Taran Taran in the Ferozepore and Amritsar districts, respectively they are nowhere in a majority in any tehsil. With this diffusion of their population I cannot see how it is possible for any one except, as Lord Mountbatten himself put it a miracle worker, to preserve them as a conglomerate whole otherwise than by giving them the whole territory wherever a Sikh is to be found.

Nor have I been able to discover any other factor which may be peculiar to the Sikhs and not shared by the overwhelming majority of the non-Sikhs. When some historians of the Punjab and some British administrators say that the territory between the Beas and the Chenab is the homeland of the Sikhs, what they mean is that the Sikhs who are an insignificant minority in the Punjab are practically confined to this tract and not that the non-Sikh communities in this region do not exist or are unimportant. In most of the districts situated in this part of the country the Muslims are in an absolute majority, and if a distinction is to be drawn, as it must be, to give effect to this argument, between the Sikhs and non-Sikhs, the Sikhs remain but an insignificant minority.

Nor does the argument that the Sikhs in these districts are peasant proprietors and in any future transfer of population they cannot leave their homes and lands and migrate to the eastern districts help them. It is a characteristic feature of the Punjab land tenure that there are few Taluqdars or large land-owners in the Province the number of such land-owners who pay more than Rs. 10,000 as land revenue being only 13. Therefore the feature that the Sikhs in these districts are wedded to the soil is not peculiar to the Sikhs because it is shared by almost the whole of the peasantry of the Province. Further, the argument assumes that the number of Sikhs so rooted to the soil is larger than the number of Muslim peasant proprietors and occupancy tenants who are similarly situated and cannot for that reason migrate to the western districts if the central districts are placed in the eastern part of the Punjab.

The following comparative figures show the position in this respect:-

See Tables 1, 2 & 3 at the end of this Report

The occupancy tenants of the Punjab are in every sense of the term land-owners and are as much in fact much more rooted to the soil than the nominal proprietors. Their interest in land is heritable but generally not transferable without the consent of the landlord. The rent they pay to the proprietor is almost nominal. Thus, while a full proprietor may sell his land whenever he likes, an occupancy tenant cannot do so as he is to keep up the metaphor, almost embedded in the soil. The number of Muslim proprietors and occupancy tenants, taken separately or collectively, in each of the above districts, except Amritsar where the Sikh proprietors exceed Muslim proprietors, is considerably more than that of the Sikhs. Again it must be borne in mind that in examining this contention of the Sikhs the figures for sikhs alone have got to be compared with the figures for the Muslims.

The Sikhs cannot be added to the others inasmuch as the ground of the claim has to

be examined in so far as it is peculiar to the Sikhs. Therefore, if the argument is sound, it definitely operates in favour of the Muslims and not in favour of the Sikhs because a much larger number of Muslims will be involved in the migration if it takes place as a result of the partition.

The Sikh Shrines:

Our attention was drawn in the course of arguments to a statement made by Mr. Arthur Henderson, Under Secretary of State for India, in the course of his speech in the House of Commons when it was sitting in Committee to consider the India Independence Bill to the effect that the Boundary would keep in view the location of the Sikh shrines in fixing the boundary. This statement was made after our terms of reference had been announced and the constitution of the Commission recognised in the Bill itself. After announcement of the terms of reference it was not open to Mr. Henderson, even though he claimed to speak on behalf of the Government that was responsible for the June 3 Plan, to interpret or to extend the scope of the terms of our reference. After a Commission like ours is constituted it is for the Commission itself to interpret the terms of its reference and no person, however high his position either in the course of a casual conversation or on a solemn occasion like a debate in the House of Commons, can restrict or extend the scope of the Commission's functions. The correctness of this position was admitted by Mr. Setalvad himself while replying to the Muslim League case. I, therefore attach no importance to Mr. Henderson's statement and consider it not only irrelevant but also as ill-advised as it was calculated to arouse false and unfounded expectation among those for whose benefit he was claiming to speak. There is nothing to show that the question of Sikh shrines was ever discussed between the Viceroy and the party leaders before our terms of reference were announced. If any much question had been mooted before the terms of our reference were formulated, it must have found place in the announcement by which the Commission was appointed and its terms of reference defined. If on this ground the Sikhs had claimed any right or privilege it is almost certain that the Muslims would have laid claim to a large number of places which indissolubly woven into their associations with India for almost a thousand years.

It is obvious to any one who gives any importance to the Sikh shrines that demarcation of the boundary on this principle would lead to anomalous results. In the short span of history during which the Sikhs were a factor in the Punjab they produced no less than ten Gurus, and most of the shrines were built to commemorate the insignificant incidents in their lives. If demarcation was to proceed on the location of the shrines, the Sikhs would be entitled to claim not only the whole of the Punjab but also the Province of Bihar and the dominions of the Nizam.

The claim of the Sikhs therefore, on the ground of the location of their shrines is wholly untenable, and we would be flagrantly departing from our terms of reference if we attached any importance to it. As already pointed out, if the Sikh shrines could be considered as a factor in favour of the non-Muslim case, the claim of the Muslims on this ground could not be ignored and would almost extend to every part of the country over which they ruled for several centuries and which contains the shrines of many renowned Muslim saints who spread Islam to this country where that faith still claims ten millions of followers. Mr. Henderson, as reported in the newspaper of the 31st July, had to admit the logicity of this

position when questioned whether demarcation of the boundary on the shrine principle was confined to the Sikhs or extended to other communities as well.

I have already said that the Sikhs cannot, according to the terms of our reference and the events that preceded it be considered among other factors so as to make it an important consideration for the Commission to consider the preservation of their solidarity and integrity by bringing them into one region as a conglomerate whole in contravention of the contiguous majority principle. *A fortiori* we cannot make the location of the Sikh shrines a material factor in the distribution of territory. These shrines are scattered not only throughout the area that was once occupied by the Sikhs in the Punjab but also in other parts of the country outside the Province of Punjab. The Sikh shrine at Patna in the Province of Bihar and that in the Nizam's dominions in the Deccan rank in their sanctity and authority with the Akal Takhat - this is different from the Golden Temple at Amritsar.

According to the memorandum submitted on behalf of the Sikhs to the Sapru Conciliation Committee which was one-sided affair as the Muslim League had nothing to do with it, by Sardar Harnam Singh, the learned counsel who has addressed us on behalf of the Sikhs, "there are over 700 shrines hallowed by the touch of the feet of the Sikh Gurus in the Punjab" and besides these there are numerous other Gurdwaras. In the course of arguments before us when the learned counsel was questioned about the correctness of the number of these shrines, he admitted that the figure 700 given by him was not correct, and he mentioned to us several other shrines which were not included by him in his memorandum to the Sapru Committee. It is, therefore, clear that for the purposes of grabbing a portion of the Punjab, the Sikhs can increase and decrease not only the number but also the importance of their shrines.

In these circumstances, it is best to take the figure as well as the importance of these shrines from the memorandum submitted by Sardar Harnam Singh before the Sapru Committee. According to that report the number of such shrines is 700. The most important of them are the following:

- (1) The Janam Asthan of Nankana Sahib in the Sheikhupura District;
- (2) The Darbar Sahib at Dehra Baba Nanka in the Gurdaspur District;
- (3) The Rohri Sahib at Emnabad in the Gujranwala District.
- (4) Babe: de Ber in the Sialkot District;
- (5) The Panja Sahib at Hasan Abdal in the district of Attock;

These five shrines are associated with the life of Guru Nanak, the first Guru of the Sikhs.

- (6) The Golden Temple at Amritsar and the Tank at Tarn Taran built by Guru Arjan;
- (7) The Akal Takhat Bunga at Amritsar and the Gurdwara at Shri Hargobindpur in the Gurdaspur District built by Guru Hargobind;
- (8) The Janam Asthan at Lahore where Guru Ram Das was born;
- (9) Gurdwara Dehra Sahib in Lahore where Guru Ramdas' (Gurdwara Dera Sahib Lahore commemorates the martyrdom of Guru Arjan) was cremated;

1. Gurdwara Dera Sahib Lahore commemorates the martyrdom of Guru Arjan.

- (10) The Gurdwara at Anandpur in the Hoshiarpur district where the ceremony of initiation to Sikhism was first introduced by Guru Teg Bahadur.
- (11) The Gurdwara at Chamkaur in the Ambala District where two of the sons of Guru Gobind Singh were killed.
- (12) Gurdwara at Muktsar in the Ferozepore District where Guru Gobind Singh fought with Imperial Forces of Delhi.

The Sikh Guru was born in 1463¹ and the last Guru died in 1708. Thus, the history of the ten Sikh Gurus ranges over a period of 245 years but it must be borne in mind that during this period the Sikhs were never an established or recognised political power and owed allegiance to the Imperial Throne at Delhi, the last Guru namely Gobind Singh, being himself an officer in the army of Bahadur Shah, the Moghal King at Delhi.² The first Sikh Maharaja of Lahore took possession of Lahore and claimed allegiance from the petty Chiefs on the authority conferred on him by Shah Zaman, the grandson of Ahmad Shah Abdali, the Pathan King of Afghanistan, who in appreciation of the services rendered by Ranjit Singh in having some sunken cannon taken out of Jhelum made him governor of the Punjab. During the period of the Sikh Gurus, not only were the Sikh shrines protected by the Muslim Kings but they made large grants of land to some of them. The foundation stone of the Golden Temple at Amritsar was laid by a Muslim saint, Hazrat Mianmir Sahib, and the shrines at Nankana Sahib and Sri Hargobindpur received grants from Muslim Zamindars. If, therefore, the Sikh shrines were safe during the time of the Muslim Emperors of Delhi, there is no reason to suppose that these shrines will not receive due protection in Pakistan and their not permitted to worship there.

Another fact that has to be considered in reference to the Sikh shrines is the comparative effect of their location in the Eastern and the consequent effect on the Muslim interests. The Sikh interests in this connection must be considered vis-a-vis the Muslim interests. The Sikhs cannot say that having decided to join the Eastern Punjab, the limits of the Eastern Punjab must be extended at the cost of the Muslims so as to include in it as many Sikhs and as many shrines as possible. The likely effect on the Muslims of adopting any such course cannot be ignored, and in making such comparison the Sikhs cannot add the other non-Muslims to their own number. If on this principle the districts of Amritsar, Gurdaspur, Lahore, Sialkot, Gujranwala and Sheikhupura - the Attock District is not claimed because of the location of the Panja Sahib in that district - are included in the Eastern Punjab, it would amount to coercing 4,199,658 Muslims to live foreign domination with a view to giving to 1,442,006 Sikhs the satisfaction of having their shrines in the Eastern Punjab. This in my opinion would not only be contrary to the terms on which partition was agreed but clear violation of our terms of reference.

1. Guru Nanak, the founder of Sikhism was born in 1469 A.D.
2. This is historically wrong. Khafi Khan, a contemporary writer that the Guru accompanied the Emperor to Deccan which does not mean that the Guru joined his service. The exact word used by Khafi Khan is *Rafaqat* which according to Steingan-Persian English Dictionary means "fellow traveller" or "being companion". The way the Guru was moving towards Deccan makes this point very clear. Tarikhi-Bahadurshi writes: "At the time the army was marching towards Burhanpur, Guru Gobind, one of the grandsons of Nanak had come into those districts to travel and accompanied the royal camp. He was in habit of constantly addressing assemblies of worldly persons, religious and all sort of people."

The Language Factor

The language factor is not peculiar to the Sikhs. The Punjabi is not a language but only a dialect. Though it is written in two scripts, the Persian and the Gurmukhi, the words and their pronunciation are the same. Between the Sutlej and the Jhelum people speak the same dialect, i.e., Punjabi and what has been described as Lehnda (trans, Western Punjabi) is only a slight variation of the Punjabi. Throughout the Punjab the language spoken is territorial and not tribal and the Sikhs can advance no higher claim on this ground than any other community.

Sikh claim for Rachna Doab and Bari Doab (Districts of Gurdaspur, Lahore, Montgomery, Sialkot, Gujranwala, Sheikhpora and Lyallpur and a part of Multan district).

Rachna Doab.

The Sikhs claim that the boundary line between the two new Provinces should run along the Chenab, namely, the Rachna Doab (the tract between the Ravi and Chenab) and that the Bari Doab (the tract between the Ravi and the Beas) should also be included in the Eastern Punjab. They base this claim on the ground that along both sides of the Ravi there is an appreciate strip of non-Muslim majority area to which on the principal of contiguity and majority the non-Muslims are entitled. It is not suggested that the boundary should run along the north-western limits of this strip, the claim being that by reason of this majority area the non-Muslims on the strength of other factors are entitled to have the boundary demarcated along the Chenab. It is not denied that if the figures for the whole area to the east of Chenab which comprises the Districts of Gurdaspur, Amritsar, Lahore, Montgomery, Sialkot, Gujranwala, Sheikhpora and Lyallpur and the Tehsils of Khanewal and Mailsi in the Multan District are taken collectively, the whole region is a predominantly Muslim majority area, Muslims being 6,386,045 in a total of 10,476,689 and the Sikhs being only 1,925,318. The claim therefore comes to this that because in this region the non-Muslims have a strip of contiguous non-Muslim majority area with a very substantial Muslim minority, they are entitled to the whole region which when taken together is admittedly a Muslim majority area. On this principle the Muslims could as well say that because in the whole of the Punjab they have a Muslim majority area, say, one district, they are entitled to the whole Punjab.

The table at pages 277-78 of this note gives the comparative position of the Muslims as against the Sikhs as well as against all the non-Muslims. A cursory glance at that table would show that in the whole of this area as well as in each district separately considered the Muslims have preponderating majority in population hold more land and pay more land revenue and that the number of Muslim proprietors and occupancy tenants taken separately or collectively far exceeds the number of non-Muslim proprietors and occupancy tenants. On what the Sikhs or the non-Muslims can lay claim to this area is difficult to comprehend.

In order to establish contiguity and majority the non-Muslims have put in three plans : (1) indicating the redistribution of Sikhs population by flags, each flag indicating 25,000 Sikhs (2) showing non-Muslim parts of Gujranwala, Sheikhpur and Lyallpur districts to the north-west of Nankana Sahib (this map is attached to the pamphlet Hindu-Sikh Case for

Nankana Sahib Tract");¹ and (3) showing the whole non-Muslim area in red.

A comparison of the first map with the census figures of 1941 would show that the number of flags indicating a population of 25,000 Sikhs for each flag is obviously wrong. The Sikh population as calculated on the basis of census figures in the case of Bhalwal, Kaithal, Jullundur, Fazilka, Pindigheb and Shorkot Tehsils is less than the Sikh population calculated on the basis of the flags.

A comparison of the other two maps with each other would show that one of them is certainly and probably both are wrong. In the Nankana Sahib map the non-Muslim majority area ends a little inside the south-west boundary of Gujranwala district while in the map filed by the Indian National Congress, with the two narrow necks and a large-sized pocket in between it is made it run through this district right up to Pathankot. According to both these maps the Nankana Sahib tract has no contiguity with any non-Muslims majority area across the Ravi.

It is not clear how the Indian Nation Congress has shown this tract to be a non-Muslim majority area, no map showing the position of the zails or villages having been filed. It is not denied that both in the Tehsils of Shakargarh and the Tehsils of Gurdaspur and Batala the Muslims are in a majority. That being so, it is difficult to see how the strip to the north-west of the Ravi could be connected with that to the south-east of that river. No uniform unit has been adopted in the preparation of this map, a whole zail having been taken where the non-Muslims are in a majority and where the zail unit would not work, only portions of zails having been included. In the case of Gurdaspur and Batala Tehsils some areas which represent the Muslim majority areas have been shown as white pockets while the rest of the tehsils are coloured red. On what principle it has been done has not been explained. If a party were permitted to exclude or to show as pockets overwhelming majority areas of the other side and to show the rest of the tract as its own majority area, even though the majority be one per cent, it is easily possible to show as majority area large tracts which in no sense of the term can be described as majority areas. The Muslim League, adopting the same principle, has demonstrated that showing small non-Muslim pockets, the whole district of Amritsar can be claimed as a Muslim majority area. It is, therefore, obvious that this method is capricious and arbitrary and not being based on any sound or uniform principle can easily be made to misrepresent true position.

I have already stated that on no account could Shakargarh, Batala and Gurdaspur Tehsils be shown to be a non-Muslim majority areas. In Tehsil Nankana Sahib in the Sheikhupura district there are 17 zails, 9 of which are Muslim majority zails. In the same way, 5 out of 10 zails in Tehsil Lyallpur and 3 out of 9 zails in Jaranwala are Muslim zails. Yet all these have been included in the non-Muslim majority area coloured red. The whole Tehsils of Toba Tek Singh excluding the town is Muslim while in the Tehsil of Gujranwala only one zail, namely, Gharial, has a non-Muslim majority, the remaining four zails Nowshera, Majhu, Chak, Thabal and Mangoke being Muslim. It is therefore obvious that the map is wholly wrong and has been compiled on the disingenuous principle to take in as much Muslim majority areas as possible just to retain the non-Muslim majority. In this a population of 420,369 Muslims has been included in this area to give the non-Muslims a

1. See Document no. 123.

majority of 157,807. The true picture of this tract is shown in the plan filed by the Muslim League, in which the non-Muslim zails are shown as yellow and Muslim zails as green. This shows that the non-Muslim population between the Ravi and the Chenab is clustered in five different tracts of varying size which are all small pockets in a predominantly Muslim area.

In the plan filed by the Indian National Congress an attempt has been made to show that the two strips either side of the Ravi between Nankana Sahib in the Sheikhpura District and Chunian in the Lahore District. In order to show the area to be contiguous it has been taken through several narrow necks of 1.4" in a map" on a scale of 1" to 16 miles. It is therefore clear that this area has been shown to be a non-Muslim majority area by discovering some method - one can have as many methods as one likes to colour such maps to one's liking - after the memorandum was put in. Similarly in the memorandum submitted by the Sikhs it was nowhere alleged that what is called the Nankana Sahib tract consisting of portions of Lyallpur, Sheikhur and Gujranwala, was contiguous to any non-Muslim area of the Gurdaspur or Sialkot District. On the contrary the Nankana Sahib tract and the trans-Ravi part of the Gurdaspur District were described in that memorandum as two separate non-Muslim majority areas. The Nankana Sahib was alleged to be contiguous to the Lahore District in the south-east only if a strip of seven miles Muslim majority area were ignored and the whole district of Lahore treated as a non-Muslim majority area. The exact ground given for the inclusion of this area in the Eastern Punjab was as follows:-

"This large and preponderantly non-Muslim tract adjoins the Lahore District near Balloke Head on the river Ravi. There is, however, a seven miles patch with Muslim majority in between the Lahore and this tract."

According to the plan filed by the Indian National Congress the distance between the Nankana Sahib tract and the alleged non-Muslim area in Tehsil Chunian in the Lahore district across the Ravi must at least be 16 miles. It is, therefore, not proved that between the Chenab and the Ravi there is any substantial area of non-Muslim majority contiguous to any other area of non-Muslims to the south-east of the Ravi or to the Narowal-Pasrur tract, assuming it be a non-Muslim majority area which is not correct, to the north-west of the Ravi.

Crown Wastes and Canal Colonies

It will be convenient at this stage to consider the question of Crown wastes and canal colonies which are situate in the Rachna Doab or the Ravi Doab. The ground of claim in the case of Montgomery district and the Khanewal and Mailsi Tehsil of Multan which are in the Bari Doab is that these are irrigated by the Lower Bari Doab Canal which receives the surplus waters of the Ravi and the Chenab and that the lands commanded by this canal were cleared and made fit for cultivation by colonists from the central and Lyallpur and Jhang districts. As already stated the claim to the colonies in the Rachna Doab is founded on the ground that tract was colonised by the Sikhs from the Central Punjab.

1. See Document no. 103.

It is true that waste lands and cultivable Crown lands in the Western Punjab far exceed such wastes and land in the Eastern Punjab. According to the notional division there is a surplus of 734,093 acres of culturable land in the Western Punjab belonging to the Crown. The figures are as below:-

Total excluding Thal	1,819,337 Acres
which is an arid waste	748,625 —
unculturable	

Balance 1,070,712 Acres

Out of this balance 337,619 acres have already been granted as under:-

	Acres
To horse and mule	
breeding grantees	110,761
On long leases	127,434
To local bodies	29,535
To Government Depts	68,889

The balance is 734,093 acres which is an asset of the Province. We are not concerned with the question whether these Crownlands are or are not a partial asset of the Province, the point before us being whether the fact there is a larger area of unoccupied Crown lands in the Western Punjab is a sufficient reason for us to attach to the Eastern Punjab those districts in which lands are situate. The answer to this question must clearly be in the negative if such lands are situate in Muslim majority tracts. It is not disputed before us that almost all such lands are situated in areas in which whether the district or the tehsil be taken as a unit, the Muslims are in a preponderating majority. We cannot therefore attach to the Eastern Punjab those areas on the ground suggested.

Another point in connection with such Crown lands requires notice. The large canals irrigating the colony areas are themselves rapidly producing more waste by see page. In 1938-39, the total waste thus caused was only 2,000 acres but by the end of 1946 it rose to 500000 acres. There is no knowing how much of privately owned land may thus be rendered waste in the near future. Those whose lands are so affected will obviously have a claim for damages against Government and will either have to be paid money or be granted some other land in exchange. The surplus area there is hardly sufficient to meet this contingent claim.

As regards the canal colonies while it is true that the Sikh peasant had his share in their development it is not only an exaggeration but a definite misstatement to suggest or assert that on the whole the Muslim peasant had a lesser share in such development. In *The Punjab Peasant* by Sir Malcolm Darling, in the very paragraph relied on by the Sikhs, the learned author says the following about the Arains:-

“The Arain, the prince of market-gardener, is his (Sikh’s) only rival. As thrifty as he is prolific, from dawn till eve bent over cabbage and onion, able to draw a living from

the tiniest plot, the Arain extracts, as we have seen the last ounce of produce out of the soil. Lyallpur was certainly fortunate in the selection of its colonists."

Table 4 is given at the end of this Report

It is clear from the tables given above that the Muslims own more land and pay more land revenue, and that the number of Muslim proprietors and occupancy-tenants taken separately very much exceeds the number of Sikh proprietors and occupancy-tenants. The total number of proprietors and occupancy-tenants in these areas is 379,285 Muslim proprietors and 32,387 Muslim occupancy-tenants as against 89,795 Sikh proprietors and 7,339 Sikh occupancy - tenants. It is, therefore obvious that we cannot sacrifice the interests 411,462 land-owners as against those 97,134 Sikh land-owners.

It has already been mentioned that an occupancy-tenant in the Punjab is an owner of land as he has an interest in land, which is heritable and transferable. In this way he is more rooted to the soil than a full proprietor who can sell the land whenever he likes.

A sacred shrine of the Sikhs is situate at Nankana Sahib in the Nankana Sahib Tehsil where 75 per cent of the owners are Muslims who own 65 per cent of the land and pay 63 per cent of the land revenue. The tehsil as a whole is a predominantly Muslim majority tehsil. the total population of the Muslims being 174,787 as against 31,562 Sikhs. The town of Nankana Sahib must therefore remain in the Western Punjab.

A large grant of land was made to this shrine by a Muslim nobleman and there is no ground to apprehend that Sikhs will have any difficulty or suffer any inconvenience in paying their homage to this shrine. This shrine since its foundation had been in the possession of the Udasi Mahants and the Sikhs took forcible possession of it and several Gurdwaras only in 1921. It may be mentioned that the present aggressive Sikh leadership begins from 1920 when the Gurdwara Prabandhak Committee whose object was to take all Sikh Gurdwaras in its own hands by all possible means, lawful or unlawful, was founded. In this connection the judgement in what is called the Nankana Sahib case reported in *All-India Reporter*, 1922, Lahore page 1, may be perused with interest.

Bari Doab Tract.

This tract comprises the districts of Gurdaspur, Amritsar, Lahore, Montgomery and Multan lying between the Beas and the Ravi.

The Muslim League has filed detailed calculations, the correctness of which is not disputed, to show:—

- (i) that if all the area in dispute in this tract, namely Lahore, Amritsar, Gurdaspur, and Montgomery Districts and the Tehsils of Khanewal and Mailsi in the District of Multan are taken together, the Muslim are in an absolute majority;
- (ii) that if the districts of Gurdaspur, Amritsar and Lahore which are claimed by the other side as an indivisible unit, are counted together, the Muslims are in a majority;
- (iii) that if the whole area between the Beas and the Ravi including the Kangra District is taken together, the Muslims are in majority;
- (iv) if the whole area irrigated by the Upper Bari Doab Canal including the town of Lahore

- which is admittedly commanded by this canal is considered as a unit, the Muslims are in a majority; and
- (v) that if Lahore, Amritsar and Gurdaspur Districts excluding that portion of the Pathankot Tehsil which is not claimed by the Muslim League and trans-Ravi portion of the Gurdaspur District (Shakargarh Tehsil and portions of Batala and Gurdaspur Tehsils) are taken together, the majority is Muslims.

See Tables 5 & 6 at the end of this Report

It is apparent from the table that if the whole of this tract is considered as unit, Muslims are in a clear majority in the population. The Number of Muslim land-owners is 283,423 against 290,268 Sikhs. If therefore the disputed area within this Doab be taken together, the population factor must prevail in favour of the Muslims.

It is, however, contended by the Sikhs that the Districts and Lahore and those portions of the Gurdaspur District that are irrigated by the Upper Bari Doab Canal should be treated as an indivisible unit and it is asserted that the non-Muslims constitute a majority in this unit. The calculations relied on proceed on the assumption that while the town of Amritsar can be included in this unit the town of Lahore cannot. No reason for this distinction is suggested beyond the allegation that the town of Lahore is not irrigated by the canal. There can be no question of irrigating a town like Amritsar, Lahore, Kasur or any other town; but if the allegation means that the gardens or agricultural lands within the Corporation limits of Lahore are not irrigated by this canal, it is definitely incorrect. Every resident of Lahore knows that a canal flows just outside the walled city of Lahore irrigating the Corporation parks along the walls of the city and that private lawns, gardens and agricultural lands within the Corporation limits receive their water-supply from the canal. Besides the civil area, there are 51 villages within the limits of the Corporation that are irrigated by six distributories and 14 outlets that take off from Lahore Branch of the Upper Bari Doab Canal, the total area so irrigated being 27.6 sq. miles. It is, therefore, wholly wrong to allege that the city of Lahore is outside the Upper Bari Doab unit and that for that reason it should be excluded in ascertaining the communitywise population of the Upper Bari Doab Canal tract.

See Table 7 at the end of this Report

Thus, Muslims constitute 53.61 of the total population of this tract, Sikhs 25.88 and Christians who have supported the Muslim case 3.72. On the basis of population factor therefore the whole of the area must go to the Western Punjab. Further, the whole system of Upper Bari Doab Canal is not perennial and large tracts are irrigated by the inundation branch of the system and the figures show that in the area irrigated by the perennial system Muslims show a higher percentage.

The two largest towns of the Punjab, namely, Lahore and Amritsar are situate in this tract. Other important towns in this tract are Gurdaspur, Qadian, Tarn Taran and Kasur. Lahore is and has been the capital of the Punjab and associated with Muslim history for well nigh 900 years. The first Muslim Ruler of the Punjab lies buried here. The second largest mosque in the world, namely the Badshahi Masjid, built by Emperor Aurangzeb, the Golden Mosque, one of the most beautiful mosques in the world, the world famous tomb of Emperor

Jehangir, the tomb of his renowned consort Queen Nur Jahan and the Red Fort together with the palaces of Moghal Kings are situated here. The whole town is dotted with protected monuments of Muslim times. A very large number of important historical buildings were demolished or disfigured by Ranjit Singh who did not even spare the tombs of Jehangir and Nur Jahan and took away all artistic work of marble and precious stone to bedeck the Durbar Sahib at Amritsar. Lahore is still the centre of Muslim culture, literature and religious activity. Mr. Justice Din Mohammad has dealt with the question of the accuracy of the 1941 census figures but even according to the rationing figures relied on by the non-Muslims there can be no doubt that the town is a Muslim majority.

Amritsar is an important commercial centre. It also contains the Durbar Sahib and the Akal Takhat, two important shrines of the Sikhs, and three shrines of Muslim saints namely Syed Fateh Shah Bukhari, Pir Zahara Wali Sahib and Sakhi Sarwar Shah Sahib. The non-Muslims have a large majority in the town, the Muslims being 47.07 and the Sikhs only 15.03 per cent. Some of the leading Muslim families of the Punjab come from Amritsar and the carpet industry and the cottage industry of shawl-weaving have practically been monopoly of the Muslims.

Qadian is an important in the majority Tehsil of Batala in the Gurdaspur District. It is the headquarters of the Ahmediya movement, which operates from here all over the world. Muslim missionaries from Qadian have taken the message of Islam to remote corners of the world and have succeeded in bringing into the Muslim fold many a renowned European and American seeker after truth. There are about one million followers of this movement in the world and in view of its religious, educational and industrial activities Qadian is one of the most important Muslim places in the Punjab. There is a Degree College, here, two High Schools, one of which is a girls' school, and Science Research Institute, the only Muslim Institute of its kind throughout India. Both in Batala and Qadian there is a large number factories. This tehsil, therefore, can on no account be detached from Pakistan.

Trade, commerce and property (Lahore, Amritsar and other towns)

The Hindus and the Sikhs have called for certain information to show that in the districts claimed by them, both in the towns and the country, they are vis-a-vis the Muslims in a stronger economic position because in the towns they own more property, pay more taxes, have more joint stock companies and business houses and control trade and commerce while in some of the districts they pay more land revenue and own more land than the Muslims. It is surprising that this information, which was collected at considerable expense and inconvenience, should have been considered by anyone as a relevant factor in influencing our decision. It is perfectly clear from the principle upon which partition was agreed to by the parties, and from the history of the events that led to it, that the object in demarcating the boundary of the new two Provinces is to separate the contiguous Muslim majority areas. The parties concerned including the Sikhs were agreed that no large area in which one community had a majority could be coerced to live under a form of Government in which the other community had a majority, and must be given the choice of working out its own destiny.

His Excellency the Viceroy in his broadcast of June 3 before he unfolded the details of His Majesty's Government's Plan of that date and in the Press Conference held by him

on the following day to expound the principle on which the scheme was founded, made it absolutely clear that no community, provided it could claim a majority in a substantial area, however, poor or ignorant it may be, could be compelled to live under a Government in which the other community had a majority.

This being the *raison d'être* of the scheme it is futile to content that the test of putting a community in an area in which governmental functions are performed by another community is the economic strength or resources of that community as against those of the community in authority. If this had been the test, no partition could have been demanded or agreed to, as it is an indisputable fact that the Muslims, whether considered as a community or as individual members of a community are economically and materially far behind the other community.

In fact, the apparent disparity between the material resources of the two communities was the precise reason for the partition because the record of the relations of the two communities for over a hundred years is a record of consistent and unabated exploitation of one by the other. The present wealth of the Hindu community, demonstrated by the figures called for, is a clear index of the extent to which the Muslims as labourers, tillers of the soil or ignorant land-owners have been exploited. One has merely to examine the figures of Muslim indebtedness, of compulsory or voluntary transfers of land before the Land Alienation Act, and of mortgages held under the recent agrarian legislation to have been paid by appropriation of the usufruct by the mortgagee, to be satisfied of the existence and the extent of this exploitation.

The Hindu argument virtually comes to this: "We have in the past exploited the Muslims and the result of our exploitation is apparent from the wealth we own and the control that we exercise on the trade and commerce of the country. As we own the means of exploitation, we must also have the subject of exploitation." The position has been graphically described in 'an Australian in India' by Mr. Casey, who was till recently the Governor of Bengal and who had the occasion to study the situation on the spot. At page 73 to 76 of his books he says:-

"The Muslim League have worked themselves up into a state of mind that can only be called Hindu-phobia. Not that there is not some justification for this. The Caste Hindus have dealt with the Muslims with the minimum of warmth and generosity or even fairness. When and where the Hindus have been in the saddle the Muslims have had the rough end of the stick. The Caste Hindus have given the Muslims little evidence that they believe in a fair deal and they deny them a fair deal.

It may well be asked at this stage: what is it that is bothering the Muslims? What is the reason for their intensity of feeling towards the Caste Hindus? There must be something of real importance to explain the Hindu-phobia of the Muslims which makes them so passionate and so uncompromising; so determined not to be dominated by the Caste Hindus.

It is essential to answer these legitimate questions, if the present state of high tension in India is to be understood and disaster is to be averted.

I believe that the present state of mind of the Muslims can be analysed into two principle factors - one that can be called the memory of past humiliations and the other the lack of present economic opportunity.

Firstly it has to be realised that for the last fifty years at least the Caste Hindus have been the haves of India, and the Muslims have been the have-nots. By this I mean that in all intellectual pursuits, in wealth, in education and in the ability to lead reasonably comfortable and sophisticated lives, the Hindus have been on top and the Muslims some distance below.

* * * * *

Notwithstanding their earlier neglect of education the Muslims are now coming on fast, but they have left their run rather late. By reason of several generations of modern education and sophistication participation in business and affairs, the Muslims find the Hindus today firmly ensconced in practically all the business activities of India, and Hindu-Muslim feeling is so keen that the Hindu owners and managers of enterprises are careful to employ only Hindus so that the opportunities for employment of Muslims are limited. To a very large extent throughout India the mills, factories, workshops and merchant houses are Hindu (or at least non-Muslim) owned and controlled. And it is not too much to say, as regards employment in the great majority of Hindu-controlled business, that no Muslim need apply.

It is easy to understand the resentment that this creates and to appreciate the determination of the Muslims to get a place in the sun and a fair economic chance for themselves and their children. In other words, I believe that the principal present-day motive behind Pakistan is economic, the urge on the part of the Muslims (particularly in the cities) to advance themselves economically."

This is a correct appraisal of the position and its accuracy can be demonstrated by taking the figures for trade, commerce, industry and property in any town in India. If information similar to the one requisitioned for Lahore and other towns had been called for in respect of Peshawar or Rawalpindi where the Hindus are in a small minority, and of whose inclusion in the Eastern Punjab there is no question, they would have been found even there to be owning property and paying more taxes on sales and incomes. The phenomenon is almost universal and can be easily explained. The Muslim is generally either a land-owner or a farm labourer and therefore ignorant. He considers it derogatory to himself to indulge in petty trade which he leaves to the money-lander or the town shop-keeper. The result is that for some of the necessities of life and for almost everything that may be called a luxury he has to deal with the Hindu who being more shrewd and informed can fleece him without exciting the slightest suspicion in his customer's mind that he is not being fairly treated. The war contractor, the depot holder in the price control system, the black marketeer, the banks, the insurance agent, the jeweller, the grocer and the draper is by the system that obtains in this country almost invariably a Hindu. He can therefore present better evidence of wealth but that does not mean that in a democratic system of government he is entitled to higher electoral rights or that the majority of the area where he lives cannot form government on the one-man-one-vote system.

Muslim League claim

Coming now to the Muslim League claim the first point to determine is the unit that should be adopted in working out the result on the principle of contiguity and majority. The unit can be anything, from a Province if the whole of the country were to be divided, to a village. Thus, the whole of the Province including both the parts notionally divided may be contiguous Muslim majority area. Below the Province is the district and it was on this basis that the notional division proceeded, the districts in which the Muslims as a whole were in a majority and which were contiguous to each other having been separated from those in which the non-Muslims were in majority. If this standard were adopted, the notional division with the exception of the district of Amritsar which is not contiguous to any non-Muslim majority district and which for that reason will have to be transferred to the west, will stand. Lesser units may be of police-stations or zails which are both administrative units or a tehsil a Qanungo's circle or a Patwari's circle which are revenue units. If a uniform unit is not adopted by both parties and one party is permitted to adopt one kind of unit and the other a different unit, overlapping would be inevitable. Thus, if cis-Chenab districts of Jhang and Multan are excluded, the whole of the tract between the Jumna and the Chenab comprising the Ambala, Jullundur and Lahore Divisions and the districts of Lyallpur and Montgomery become a non-Muslim majority area. But if Multan and Jhang districts are included in this tract, it becomes a Muslim majority area. Similarly, if all the districts in dispute between the Muslims and the non-Muslims are counted as one unit, the whole territory becomes a Muslim majority area. In the same way, by adopting the district as a unit, the Gurdaspur and Lahore Districts become Muslim majority area but if the unit is reduced, say, to a tehsil, the Ajnala tehsil in Amritsar District becomes a Muslim majority area contiguous to the Gurdaspur District and the whole tehsils of Jullundur and Nakodar in the Jullundur District become a Muslim majority area contiguous to the Gurdaspur district and the whole tehsils of Jullundur and Nakodar in the Jullundur District and of Zira and Ferozepore in the Ferozepore District become Muslim majority areas contiguous to the district of Lahore. But on that basis the Pathankot Teshil becomes a non-Muslim majority area. If the unit is further reduced, portions of Muktsar and Fazilka tehsils in the Ferozepore district become Muslim majority area contiguous to the district of Lahore. On the basis of the district unit the twelve districts now constituting the Eastern Punjab are non-Muslim majority area; but if the unit is reduced, say, to a village or a police-station, the non-Muslim majority district of Amritsar may be able to claim a portion of the Lahore and Gurdaspur districts. It is, therefore, obvious that great confusion would result if each party were permitted to increase or decrease the unit as it suited it, as the same area may be held by the method adopted by one party to be a Muslim majority area and by the process adopted by the other side as a non-Muslim majority area. We must, therefore, to avoid this result, adopt a uniform standard and relax if only where an area less than the unit either presents a physical feature making it a part or continuation of the adjoining majority area or the distribution of population in the unit of which it is a part is such as to make that area easily separable from the rest of the unit. If a Patwari's circle or Qanungo's circle or a zail or a police-station were adopted as a unit, the frontier line would be almost lost in a labyrinth because in the case of Muslim majority areas it might extend to the districts of Gurgaon and Hissar on the one side and the district of Karnal on the other, while in the case of non-Muslim it might on one side extend by the

Jhelum and on the other to the district of Multan. Any such boundary would be wholly impracticable and unworkable and a visual demonstration of this absurdity by the maps prepared by the Muslim League. If the district be adopted as a unit, the notional division would also be the actual division but it is quite clear from His Excellency the Viceroy's broadcast and the Press Conference that a lesser unit was intended because it is only on the basis of a lesser unit that his reference to the district of Gurdaspur and another district in West Bengal and to some other areas contiguous to the district of Sylhet are understandable. I am, therefore, of the view that subject to the exceptions I have mentioned above, the adoption of a tehsil as a unit is the only course which would give to both the Provinces compactness and a workable frontier. In view of the matter each of the seventeen district allotted to the Western Punjab by the notional division must, with the exception of Pathankot tehsil in the district of Gurdaspur, remain in the Western Punjab. The tehsil of Ajnala in the Amritsar District is a contiguous Muslim majority area. Similarly the tehsils of Ferozepore and Zira in the Ferozepore District and the tehsils of Jullundur and Nakodar in the Jullundur District are Muslim majority tehsils and this tract is contiguous to the district of Lahore which is a Muslim majority area. The comparative strength of the communities in these five tehsils is as under:

Table 8 is given at the end of this Report

There being no other factor justifying the retention of these tehsils in the Eastern Punjab, they must be transferred to the Western Punjab.

The Important Canal Head Works at Hussainiwala is situate at a short distance from Ferozepore. The canals that take off from the Head irrigate Bikaner, Bahawalpur and Western Punjab. We are not concerned with the Bikaner Canal nor with those reaches that irrigate Bahawalpur. Since the Head Works are situate in the Muslim majority Tehsil Ferozepore and most of the area irrigated by the system lies in the West Punjab, this is an additional reason for bringing the Ferozepore Tehsil in the Western Punjab. The same is the case with that portion of Tehsil Fazilka which is near the Head works at Sulaimanke in the Montgomery District. The area is predominantly Muslim and is cut in three places by the eastern canals that take off from that Head and which irrigate in the Eastern Punjab. Therefore that portion of the Fazilka Tehsil on account of its contiguity with the Muslim majority area of Montgomery and its vicinity to the Head Works should be included in the Western Punjab.

Tarn Taran and Amritsar Tehsil in the Amritsar District.

The figures for these tehsils are as follows:-

Tehsil	Total Popu- lation	Percentage				
		Muslims	Hindus	Sikhs	Sched- uled Caste	Christians etc.
Amritsar	789,159	45.5	20.7	30.7	1.8	1.3
Tarn Taran	387,668	40.6	5.2	51.4	1.5	1.3

Thus, these two tehsils are non-Muslim majority areas but they are not contiguous to any non-Muslim majority area. To the north-east of these tehsils is the Muslim majority area of Batala; to north-west the teshil of Lahore; and to the south-west the tehsil of Kasure which are all Muslim majority area. On the south-east these two tehsils are bounded by the Kapurthala State which cannot be considered in determining contiguity but if considered is a Muslim majority are. The tehsil of Dasuya in the Hoshiarpur District which as a whole is a non-Muslim majority area is separated from the Amritsar Tehsil by twelve miles. Since in the case of these two the condition of contiguity is lacking and Ajnala is a Muslim majority tehsil, the whole district of Amritsar in which the Muslims are only 3.5% less than the non-Muslim must on principle on which the Muslims have foregone their claim to Nuh and Ferozepur Jhirka in the Gurgaon District and Fattehahed and Sirsa in the Hissar District, be placed in the Western Punjab. Further, as Amritsar forms part of the same tract in which Lahore and Gurdaspur which are Muslim majority districts are situated, the placing of Amritsar in the Western Punjab will not disturb the management and control of the Bari Doab Canal or the distribution of electric energy to the western districts. Amritsar if left in the Eastern Punjab, will be a dangerous spear-head in the heart of the West Punjab, and for that reason also should be detached from the Eastern Punjab with which it has no contiguity.

Portion of Pathankot Tehsil and the Madhopur Head Works.

The Pathankot Tehsil in the Gurdaspur District is a non-Muslim majority area and only a portion of it is claimed on the ground that Madhopur Head Works which are situated above Pathankot and from which the irrigation system known as the Upper Bari Doab Canal is controlled deserve to be placed in the Western Punjab.

The figures for this area are as follows:-

Area square miles	Total popula- tion	Percentage				
		Muslims	Hindus	Sikhs	Sched- uled Castes	Christians
174	110,774	45.39	43.07	4.29	4.29	1.99

Since the Christians have expressed through accredited representatives their desire to remain in the Western Punjab, about 47.38 percent of the population must be deemed to be in favour of their being placed in the Western Punjab. Though in the mere calculation of Muslim and non-Muslim majorities we cannot count the Christians, the choice of Christians can be considered as a relevant factor where the disparity between the Muslims and the non-Muslims is not considerable.

As the Upper Bari Doab Canal irrigates the Muslim-majority districts of Gurdaspur and Lahore and the district which for lack of contiguity should be placed in the western Punjab it is necessary that the control of the Head Works must remain with the Western Punjab. This portion of the Pathankot Tehsil also should, therefore, go to the Western Punjab. I do not see any relevancy, much less force, in the contention of the Sikhs that the Upper Bari Doab Canal was excavated by the Sikhs for the Sikhs. One of the problems confronting the British after the annexation of Punjab was how to settle the turbulent disbanded Sikh soldiery. They therefore provided occupation to the Sikhs by employing them in the excavation of the canal in order to induce the discharged soldiers to settle down and to take to the peaceful pursuit of cultivation. This can hardly be a relevant consideration now when the right of contiguous majority areas to elect to remain in one of the two States has to be determined.

As the Head Works at Madhopur for the reasons stated above have to be placed in the Western Punjab, both the railway and the road which are essential for the maintenance of the Head Works, the patrol banks of the canal not being always usable, must be put in the Western Punjab. This does not cut off Kangra from the rest of India because another route to Kangra and beyond via Rupar, Guzar-Nangal and Bharwain is already available and can be easily improved. In fact during the current financial year expenditure for a permanent high level bridge where this road crosses the Beas has already been provided for.

Dasuya Tehsil in the Hoshiarpur District

This tehsil is, according to the notional division, in the Eastern Punjab, being a part of the Hoshiarpur District. The whole tehsil is a non-Muslim majority area but the Christians and the Muslims taken together exceed other non-Muslims have expressed their preference for the Western Punjab and this in my opinion is a sufficient justification to place this whole tehsil in the Western Punjab, the disparity between the Muslims and non-Muslims not being very marked. In any case, a portion of this tehsil shown in the map attached to the memorandum of the Muslim League is a compact Muslim-majority area which is contiguous to the tehsils of Batala and Gurdaspur in the Gurdaspur District, and this area should be placed in the Western Punjab, as it is predominantly Muslim and is separated from non-Muslim area which is confined to the foot hills.

Some portions of the Fazilka and Muktsar Tehsils in the Ferozepore district, of Hoshiarpur, Una and Garshankar Tehsils in the Hoshiarpur district of Ludhiana, Jagraon and Samrala in the Ludhiana District, of Nawanshahr and Phillaur Tehsils in the Jullundur District, and of Rupar in the Ambala District are claimed by the Muslim League on the ground that these constitute compact Muslim-Majority areas. A glance at the map appended to the Muslim League memorandum would show that portions of Fazilka and Muktsar Tehsils in the Ferozepore District are contiguous on one side to the Ferozepore Tehsil and

on the other to the Montgomery District while the portion of Dasuya and Hoshiarpur Tehsils in the Hoshiarpur District is contiguous to Tehsil Jullundur. The former are situate to the north-west of the Bikaner canal and are irrigated by the Eastern Canal while the latter, like the portion of Garhshankar Tehsil, are plain portions of the two tehsils separated by the hilly portions which are non-Muslim areas. The rest of the territory is a long strip along the Sutlej to Rupar in the Ambala District, where the Head Works of Sirhind Canal are situate. As this territory satisfies the test of majority and contiguity and has the common physical feature of running along the Sutlej, it should on the principle stated elsewhere be placed in the Western Punjab.

See Tables 9 & 10 at the end of this Report

The mixing of population of the two communities in the Central Punjab has been aptly described by Sir Muhammad Zafrullah as the clash of two waves, one from the west and the other from the east. While the wave from the east spent itself on the Beas and had only a minor penetration across the Beas in the Tehsils of Amritsar and Tarn Taran, that from the west being stronger pushed further to the east enveloping Nakodar and Jullundur Tehsils in the Jullundur District, Zira and Ferozpur Tehsils in the Ferozepore District, and portions of Muktsar, Fazilka, Una, Dasuya, Garhshankar and Hoshiarpur Tehsils, and a long tract along the Sutlej up to Rupar. The present reaches of this wave can be easily determined and since they are not separated from its bulk the area covered by the whole wave is easily ascertainable.

The Sikhs claim that the Chenab should form the boundary between the two Provinces while the Muslim League suggests that the boundary should run with the southern line of the area claimed by it along the Sutlej up to Rupar and from there to Madhopur with the Shivalik foot hills to the east. A good deal of argument based on strategic considerations has been addressed to us from both sides on this point. The basic point to remember about this part of the case is that the boundary has to be a frontier between two Sovereign States and not only between the Western and the Eastern Punjab. While it need not be postulated at present that the two States will go to war, it is necessary to bear in mind the possibility of any such contingency. It cannot be gainsaid that Pakistan will be the weaker of the two States and though that may not be a reason for including in it large majority areas on strategic grounds, the existence of the present railway and irrigation systems should be kept in view and the boundary should be fixed, as far as possible, along some definite landmark. The past history of India shows that almost all the important battles have been fought on or to the south of the Sutlej, and the Chenab in this respect has no tradition. The Sutlej will therefore be a more natural boundary. But a boundary along the Sutlej will bring more non-Muslim area in the western Punjab while that suggested by the Muslim League has the merit of reducing the inclusion of such area to a minimum. Further the boundary suggested runs straight and takes due notice of the existing railway and irrigation systems. I am, therefore, of the view that the frontier between the two States should be that suggested by the Muslim League.

CONCLUSION

A spirited but bitter and acrimonious argument has been addressed to us from both

sides about the past and present relations of the Sikhs and the Muslims. The point is not really material as partition has been decided upon and we are not concerned with the reasons that led to it except in so far as they help to explain the terms of our reference. But since undue emphasis has been laid on this aspect of the case, a word on the subject becomes necessary.

Guru Nanak, the founder of the Sikh religion, was born in 1469 in the reign of Bahlol Lodhi. Though born in a Hindu family, he preached the unity of God and in his teachings emphasised the higher and spiritual aspect of religion. His doctrines which were characterised by simplicity and directness were more akin to Islam than Hinduism which believes in idol worship, and easily appealed to masses. His life was a model of piety and devotion to God and his denunciation of dogma and convention bears a close analogy to the poetry of the late Doctor Sir Mohammed Iqbal, the greatest modern Muslim poet and the founder of the idea of Pakistan, who has emphasised the practical aspect of the religion of Islam. Several contemporary Muslim Sufis (mystics) who came in closer touch with Guru Nanak believed, and many a Muslim still believes, that in every sense he was a Muslim. Evidence of Guru Nanak's friendship with the Muslim saints is still preserved in Gurdwara Dera Baba Nanak in the form of a garment that was, according to modern Sikh writers, presented to him by a Muslim saint and which has several verses of the Holy Quran written on it when Guru Nanak died, none was sure whether he had been a Hindu or a Muslim and adherents of both faiths claimed his body, one asserting the right to bury him as a Muslim, the other the right to cremate him according to Hindu rites.

None of the first four Gurus came in conflict with the Mughal Emperors of Delhi. Guru Arjan the fifth Guru, was put to death by Chandu Lal a Hindu Officer of Emperor Jehangir, because the Guru had espoused the cause of Prince Khusru when he fled to the Punjab and attempted to plan a rebellion against his own father. Some historians say that Chandu Lal had Jehangir's orders to put Guru Arjan to death and that the reason for killing him was Jehangir's religious intolerance. Assuming this to be the true reason for the Guru's death it must be borne in mind that the incident relates to a time which in Europe was the time of the Huguenots and Jesuits and the massacre of St. Bartholomew and we cannot judge the parties involved in the light of the religious freedom of the 20th century.

It was the sixth Guru, Hargobind, who for the first time demanded political allegiance from his followers when in 1607 at the Akal Takhat Bunga at Amritsar he declared that henceforth he would wear two swords one of peace and the other of war. The activities of Guru Teg Bahadur, the 9th, and Guru Gobind Singh, the 10th Guru acquired an exclusively political complexion. Not only did they foment discontent and rebellion among their followers against the established political power, but they also engaged in open warfare with the Imperial forces. Aurangzeb remained engaged in his wars in the Deccan for fifteen years and during his absence from northern India the Sikhs found time and opportunity to consolidate their power. They further strengthened their position when the Mughal throne at Delhi received a shock by Ahmad Shah Abdali's invasion from the north. Ranjit Singh himself entered Lahore and took possession of the Punjab in name of Shah Zaman, the grandson of Ahmad Shah Abdali, who had appointed him Governor of the Punjab by a *sanad* granted to him in appreciation of the services rendered by him in taking out from Jhelum 10 guns which on his way back to Kabul had sunk in the river. A painting is still preserved in Government Archives portraying Ranjit Singh paying his homage to Shah Zaman.

Even during the time of Ranjit Singh the roving Sikhs were a menace to the peace of

the Punjab and the accounts given by several visitors of the time abound with tales of atrocities committed by the Akalis who had been taught to consider plunder, murder and disobedience to established authority as the necessary attributes of the Khalsa. The following by Guru Gobind Singh and other Sikh preceptors may be perused with interests:

"When Guru Gobind Singh declared a new faith and made known to his followers the objects of his mission, one of these was that the Turks must be destroyed."¹

(Cunningham, page 71)

"He is the Khalsa who slays the Turk."

(Cunningham, page 376)

"He is the Khalsa who slays a Khan (Muslim)."

(Cunningham, pages 71 and 375 and Kanaya Lal, p.62).

"The Sikhs of Gobind shall bestride horses
and bear hawks on their hands,
The Turks who behold them shall fly.
One shall combat a multitude,
And the Sikh who thus perishes shall be
blessed for ever. The Khalsa shall rule."

(Cunningham, page 376)

1. "A Sikh is he who creates disorder.
A Sikh is he who stakes his head (in doing so)."
(Prachin Panth Parkash, page 229).
2. "The Sikhs say 'Why should we stop
creating disorder.'"
This is our creed and the Guru
created us for this.
(Prachin Panth Parkash, page 174).
3. "Creating disorder is the caste and
creed of the Sikhs.
This is the very aim and object of the Sikhs.
The Sikh cannot exist unless he creates disorder.

1 Since these quotations have been collected with a political motive, these have been distorted, wrongly translated and are torn out of context. The Sikh Gurus though fought against the Mughal Government were never against the Muslim religion. Their verses preserved in the Adi Granth and Dasam Granth clearly indicate that their teachings were not against Islam. On the other hand devout Muslims were the admirers and the followers of the Sikh Gurus like Bhai Mardana (of Guru Nanak), Allahyar (of Guru Amardas), Mian Mir (of Guru Arjun) Nawab Sarifuddin (of Guru Tegh Bahadur), and Pir Baddariuddin popularly known as Pir Budhu Shah of Sadaura (of Guru Gobind Singh)

A Sikh is he who encourages disorderliness.

(Prachin Panth Parkash, page 142).

4. "Disorder is the caste and creed of the Sikhs.
They asked their Guru to permit them to
create disorder.
They cannot digest food until they have
created disorder.
They feel uneasy until they have
created disorder."

Guru Gobind Singh's sayings:

"The Guru (Guru Gobind Singh) then told his followers not to be ashamed of plundering and swallowing whatever they could get hold of."

(Panth Parkash, Bhangu Ratan Singh, page 37).

Bhai "Gurdas, a companion of Guru Gobind Singh says:

"The Sikhs then got up shouting and the world trembled. They destroyed tombs, mosques and Mandirs and converted them into fields."

"They destroyed the Ved, the Quran and the Shastras. The Muslims were killed while calling for prayers and while saying prayers."

"The followers of Mohammed were destroyed for ever and no Muslims for fear of the Sikhs could get themselves circumcised."

(Varan Bhai Gurdas Var 41).

"None could say the Kalima (Muslim article of faith), nor the prayers, nor observe other tenets of religion, nor get his penis cut (contemptuous reference to circumcision)."

(Varan Bhai Gurdas Var 41).

Comment on these attributes of the Khalsa is superfluous. There was actual demonstration of this creed when Banda, the disciple of the last Guru, put ten thousand Muslims to death in the town of Samana alone. The word "Sikhashahi" (Sikh-like rule), an expression with which every one is familiar in the Punjab, is still used every day to indicate a rule without law or liberty.

Some of the important shrines in the memory of the first Sikh Guru were founded by the Udasīs who are not followers of Guru Gobind Singh. Both the shrines in the district of Sheikhpura, namely, Nanakana Sahib and Sacha Saudha, were founded by the Udasīs who were also in possession of several other shrines. In 1920 the Akalis formed a committee called the Gurdwara Parbandhak Committee the object of which was to take forcible possession of the Gurdwara from those who had been in peaceful possession of them for centuries. In prosecution of this object they seized the Janam Asthan at Nanakana Sahib, the Sacha Sauda at Chuharkana, the Panja Sahib at Hassan Abdal, the Gurdwara at Chola

and another Gurdwara at Tarn Taran (see Judgement reported in *All-India Reporter*, 1922, Lahore page 1). This movement which was based on the doctrine of force proved successful and later on legislation by a Muslim minister who was anxious to retain for his party the support of the Sikhs was put through enabling the Sikhs to acquire control over other Gurdwaras which were still left with the *Mahants*. In the Punjab Legislature the Sikhs have been a balancing factor between the Muslims and the Hindus and this peculiar position has given them a definite advantage in bargaining with the Muslims on the one side and the Hindus on the other. Thus during the time the Muslim Unionist Ministry was in power, the Sikhs at every step struck a hard bargain with them. This has led them to go on adding more and more to their demands and the present claim of their leaders is that the Punjab should be handed over to the Khalsa and the Muslims driven beyond the Jhelum. There is little reason in their politics and their first and last argument is force. If the Sikhs leaders had given a moment's thought to their peculiar position in the Punjab, they would have had little difficulty or doubt in arriving at the conclusion that if the Sikhs have any future in the Punjab it must depend on their relations with the Muslims. In the past they had always had more than their share but when in March, 1947, they found for the first time that power in the Province might pass to the community that by reason of its majority and importance is entitled to it, they started a campaign of bluff and intimidation in the belief engendered perhaps by their experience that their bellicose utterances and display of chauvinism would overawe the Muslims. They were, however, disappointed by the result and wherever they started aggression they found that the stuff they had to deal with was not the meek and helpless stuff of pre-Ranjit Singh times but a stuff determined to resist any unlawful aggression on the Muslim's rights. Having got the worst of the trouble themselves started, they at once thought of demanding a partition of the Province. But after partition was decided upon they realised the gravity of the blunder they themselves had committed and the prospect of their being cut in two and being finished for ever as a political factor in both the Provinces stared them in the face. They have, therefore, again started in their usual way a systematic campaign of intimidation and have foreboded dire consequences if the Muslims are not driven beyond the Chenab. They are refusing to accept the inevitable which has been brought about by their own politics. The parties concerned including the Sikhs had agreed that partition was to be effected on the principle of separating contiguous majority areas of the Muslims from those of the non-Muslims. But because in the application of this principle the Sikhs can come in nowhere their last argument again is force. The complex Indian problem is almost at the point of solution and if in working out its last step the principle on which it has been decided to solve it is materially departed from and settled issues are re-opened, a grave position will arise and all that has been done so far will be undone.

The Sikhs need have no apprehension in Pakistan as Islam knows no peregrines and treats all citizens alike. Having something to do with the administration of justice in the new Province I may for my part assure the Sikhs that they will have perfect justice. That they get on the political side would depend upon the attitude they themselves adopt but if they take into their head the notion to which their leaders have often given impression that the world has always been ruled by minorities, they might find in the majority with which they may have to deal a minority that will not accept the truth of this maxim.

Simla,
The 6th August, 1947.

M. Munir

The following comparative figures show the position in this respect:-

Table 1

Name of place	Total population	Muslims		Sikhs		Area held by Muslims		Land Revenue Rs.		Number of proprietors		No of Occupancy tenants	
		percent		percent		Muslims	Sikhs	Muslims	Sikhs	Muslims	Sikhs	Muslims	Sikhs
Lahore	1,695,375	1,027,772 60.6 percent		310,646 18.3 percent		511,797 31 percent		5,81,235 32 percent		93,660 56 percent		78,477 60 percent	8,777
Amritsar	1,413,876	657,695 46.5 percent		510,845 36.1 percent		207,988 22 percent		3,38,364 19 percent		62,397 74 percent		124,828 76 percent	15,168
Gurdaspur	1,53,511	589,923 51.1 percent		221,261 19.19 percent		405,022 35 percent		6,68,694 35 percent		101,435 32 percent		20,766 40 percent	9,076
Sialkot	1,190,497	739,218 62 percent		139,409 11.7 percent		507,175 53 percent		811,398 52 percent		135,661 29 percent		35,907 30 percent	3,656
Gujrana-wala	912,234	642,706 70.4 percent		99,139 10.8 percent		874,551 61 percent		9,65,762 56 percent		62,774 27 percent		22,152 32 percent	1,596

Table 2

Name of place	Total population	Muslims		Sikhs		Area held by		Land Revenue		Number of proprietors		No of Occupancy tenants	
		Muslims	percent	Sikhs	percent	Muslims	percent	Muslims Rs.	Sikhs Rs.	Muslims	Sikhs	Muslims	Sikhs
Sheikhupura	852,508	542,344 63.6 percent		160,706 18.8 percent		734,384 54 percent		13,82,446 49 percent	12,30,399 43 percent	63,569	27,806	4,719	2,541
Lyallpur	1,396,305	877,518 62.84 percent		262,735 18.32 percent		1,074,019 62 percent		54,36,870 57 percent	36,38,323 38 percent	103,544	38,102	9,590	1,490
Montgopura	1,329,103	918,564 69.1 percent		175,064 13.7 percent		1,332,928 62 percent		28,65,588 61 percent	10,64,933 22.85 percent	100,340	20,142	3,7237	902
Khanewal Tehsil	252,471	176,892 70.1 percent		24,30 9.6 percent		164,470 68 percent		4,82,466 71 percent	93,556 14 percent	12,051	1,859	4,646	664
Mailsi Tehsil	281,109	213,413 75.9 percent		21,131 7.5 percent		202,760 70 percent		2,64,032 71 percent	7,071 2 percent	6,324	88	2,389	333
Total	10,476,989	6,386,045 60.95 percent		1,925,316 18.38 percent		6,015,094 50.55 percent		137,966,855 51.26 percent	102,807,93 38.27 percent	741,755	412,202	98,613	44,203
										56.77 percent	31.55 percent	47.11 percent	21.12 percent

Table 3

Name of place	Total population	Muslims	Sikhs	Area held by		Land Revenue		Number of proprietors		No of Occupancy tenants	
				Muslims	Sikhs	Muslims Rs.	Sikhs Rs.	Muslims	Sikhs	Muslims	Sikhs
Shakar-garh Tehsil	291,505	149,600	120,703	20,573	44,965	170,5523	84,801	29,261	8,368	5,418	551
		51.32 percent	7.06 percent	40 percent	15 percent	41 percent	19 percent				
96 villages of Pathankot Tehsil across Ravi	21,147	8,807	888								
		42.7 percent	4.19 percent								
12 villages of Gurdaspur Tehsil across Ravi	5,307	2,056	657								
		38.7 percent	12.3 percent								
4 villages of Batala Tehsil Across Ravi	1,868	1,242	393								
		66.48 percent	21 percent								

Table 4

The following table shows in the colony districts the proportion of Muslims and Sikhs to the total population, the area held and the land revenue paid by, and the number of proprietors and occupancy tenants of these communities.
Position of Muslims as against the Sikhs in Canal Colonies Tehsilwise:-

District and tehsils	Population		Owners Occupancy tenants	Muslims		Owners Occupancy tenants	Area (Acres)	Sikhs
	Muslims %	Sikhs %		Area (Acres)	Land Revenue (Rs.)			
1. Lyallpur District	62.84	18.82	103544/9590	1,074,019	54,36,870	38102/1490	562,998	36,38,323
a) Lyalpur	54.4	22.2	18846/1621	208,142	13,01,568	11910/260	175,475	12,23,797
b) Samundri	72.1	13.6	35341/2593	3,085,372	15,08,689	5992/167	83470	5,45,607
c) Toba Tek Singh	68.4	13.5	34377/4235	386,673	15,60,106	7644/754	142,027	7,68,238
d) Jaranwala	57.1	26.9	14980/1141	170,632	10,60,007	1253/309	162,026	11,00,685
2. Montgomery District	69.1	13.17	100340/3737	1,332,928	28,65,588	20148/902	436,062	10,64,933
a) Montgomery	67.6	12.9	39154/2193	362,020	10,75,343	5277/255	57,968	3,73,622
b) Okara	69.5	13.5	29036/665	231,843	7,29,796	4073/173	63,515	2,24,358
c) Dipalpur	76.7	9.5	13141/815	350,158	3,04,368	3612/324	90,852	81,117
d) Pakpattan	64.5	16.2	19000/69	369,907	7,56,081	6566/150	166,470	3,25,836
3. Multan District	78.0	4.1	111,802/14341	1,687,811	24,34,406	3745/2406	88,240	1,88,709
a) Mailsi	75.9	7.5	6,324/2369	202,760	2,64,032	88/333	4,554	8,071
b) Khanewal	70.1	9.6	12,051/4646	164,470	4,82,466	1859/664	37,702	93,556
c) Vihari			6315/5143	168,091	1,95,308	495/855	8,133	20,813

Table 4 continued

4. Sheikhpura District	63.6	18.8	63569/4719	134,384	13,82,466	27806/2541	511,981	12,30,399
a) Nankana Shaib	74.3	13.4	17027/881	272,820	4,55,764	4505/471	118,983	1,97,101
b) Shahdara	69.1	14.2	29476	278,767	3,25,053	9344/568	115,205	1,51,745

Table 5

The tract between the Ravi and the Beas with the exception of the Pathankot Tehsil in the Gurdaspur District and the Tehsils of Amritsar and Tarn Taran in the Amritsar District, is a Muslim majority area. Pathankot is quite easily separable and the two Tehsils of Amritsar are a non-Muslim pocket with a substantial Muslim minority.

The comparative strength of the communities in this tract is as follows:-

Name of place	Total population	Muslims	Sikhs	Total area	Area held by		Land Revenue		No. of Proprietors	
					Muslims	Sikhs	Muslims	Sikhs	Mus.	Sikhs
Lahore District	1,695,375	1,027,772	310,646	1,662,456	511,797	936,349	581,235	1113569	93660	78477
Amritsar District	1,413,876	657,695	510,845	958,675	207,988	713,049	336364	1364285	62397	12828
Gurdaspur District excluding Shakargarh Tehsil	862,002	440,323	200,688	828,485	284,321	318,420	489171	673926	73176	54,493
Total	3,971,253	2,12,5790	10,22,179	3449616	1,004106	1967818	14006770	3151780	229,233	257,798
										32470
										24190

Table 6

Distribution of population community-wise in Lahore and Amritsar Districts And Gurdaspur District south of River Ravi

	Total Population	Muslims	Sikhs	Scheduled Castes	Hindus	Christians and other
Lahore Distt.	1,695,375	1,027,772	310,646	32,685	252,004	72,268
Amritsar Distt.	1,413,876	657,695	510,845	22,704	194,727	27,905
Pathankot Tehsil excluding 96 villages across River Ravi	131,987	50,651	6,692	9,237	62,802	2,605
Gurdaspur Tehsil excluding 12 villages across River Ravi	323,512	169,412	76,038	3,139	51,631	23,262
Batla Tehsil excluding 4 villages across River Ravi	378,185	208,035	116,020	4,186	29,301	20,643
Total	3,942,935	2,113,595	1,020,241	71,951,	590,465	146,683
Percentage	100	53.61	25.88	1.82	14.97	3.72

Table 7.

The following table shows the comparative strength of the Muslims and non-Muslims in this tract Distribution of population community-wise in the area lying within the irrigation boundary line of the Upper Bari Doab Canal.

Name of Area	Total population of the Tehsil	Total population within irrigation boundary	Muslims	Sikhs	Scheduled Castes	Hindus	Christians & others
Pathankot Tehsil	153,134	24,859	10,938	1,848	967	10,976	131
Gurdaspur Tehsil	328,819	94,730	42,732	27,310	766	15,736	8,186
Batala Tehsil	380,053	47,445	18,027	23,676	581	3,787	1,374
Amritsar Tehsil	789,159	702,912	323,469	197,939	13,324	158,057	10,123
Ajnala Tehsil	237,049	113,876	58,201	43,943	1,347	6,110	4,275
Tarn Taran Tehsil	387,668	387,668	157,731	199,562	6,110	20,135	4,130
Lahore Tehsil	890,928	863,995	533,071	99,208	5,418	187,028	39,270
Kasur Tehsil	414,495	333,311	172,724	115,503	5,421	24,758	14,905
Chunian Tehsil	390,952	217,747	119,690	54,955	12,198	21,557	9,347
Total	3,972,257	2,786,543	1,436,583		763,944	46,132	448,143
Percentage		100	51.55	27.42	1.66	16.08	3.29

Table 8

Name of place	Total population	Muslims	Sikhs	Total Area	Area held by Muslims	Sikhs	Land Revenue Muslims	Sikhs	No. of Proprietors Muslims	Sikhs	No. of occupancy tenants Muslims	Sikhs
Jullundur	443,010	226,623 51.15 %	86,996 19.46 %	244,378	111,219 46 %	118,431 48 %	235,379 43 %	276,354 51 %	43,721	29,812	73,044	47,066
Nokodar	228,783	135,918 59.42 %	52,037 22.74 %	230,539	128,757 56 %	89,085 39 %	238,048 52 %	197,317 43 %	54,730	23,128	67,099	32,344
Feroze- pore	290,286	160,371 55.25 %	70,782 24.88 %	402,974	157,208 39 %	205,082 51 %	105,761 33 %	182,616 57 %	14,800	25,578	58,333	58,800
Zira	210,819	137,586 65.26 %	50,209 23.82 %	310,351	158,055 51 %	137,089 44 %	133,840 46 %	142,086 49 %	32,051	17,854	65,988	42,011
Ajnala	237,049	140,939 59.46 %	67,986 28.68 %	260,450	100,787 39 %	149,299 58 %	123,278 32 %	246,350 64 %	26,553	19,972	90,202	22,544

Table 9

Name of Tehsil of which it is a part	Area (Sq. miles)	Total	POPULATION					Christians etc. No. & percent
			Muslims No. & percent	Hindus No. & percent	Sikhs No. & percent	Scheduled Castes No. & percent		
Fazilka	236	64,264	48,275 75.12	4,111 6.40	8,966 13.95	2,447 3.81	465 0.72	
Muktsar	351	108,060	71,922 66.56	12,357 11.44	21,141 19.56	1,933 1.79	707 0.65	
Ludhiana	238	181,141	124,905 68.95	35,380 19.53	9,323 5.15	9,971 5.51	1,562 0.86	
Jagraon	78	26,898	18,647 69.32	1,445 5.37	5,534 20.57	1,206 1.49	66 0.25	
Samrala	70	26,558	18,746 70.59	3,354 12.63	2,503 9.43	1,908 7.18	47 0.17	
Nawanshahr	120	67,085	33,939 50.59	13,196 19.67	11,106 16.56	8,822 13.15	22 0.03	
Phillaur	96	48,726	32,762 67.24	5,457 11.20	5,070 10.40	5,348 10.98	89 0.81	
Rupar	150	66,968	34,335 51.27	10,493 15.67	15,817 23.62	5,303 7.92	1,020 1.52	
Una	22	3,822	2,103 55.02	982 25.83	167 4.37	565 14.78	— —	

Table 10

Name of Tehsil of which it is a part	Area (sq. miles)	Total	Muslims No. & percent	Hindus No. & percent	Sikhs No. & percent	Scheduled Castes No. & percent	Christians etc. No. & percent
Garhshankar	70	14,292	8,162 57.11	2,526 17.67	1,193 8.35	2,293 16.04	118 0.83
Hoshiarpur	291	233,022	122,094 52.40	37,794 16.22	36,397 15.62	35,203 15.10	1,534 0.66
Dasuya	299	212,042	123,272 58.14	27,741 13.08	34,480 16.26	21,495 1.14	5,054 2.38
Pathankot	174	110,774	50,284 45.39	47,663 43.07	5,873 4.29	4,748 4.29	2,206 1.99
445	448	451			445	448	451
446	449	452			446	449	452
447	450	453			447	450	453
							454

**Record of Decisions of the Partition Committee meeting held on
Friday, the 8th August, 1947, at 10.30. a.m.**

Punjab Partition Branch Records, Punjab Government, Secretariat Chandigarh

His Excellency the Governor
Mr. Zahid Hussain
Sardar Shaukat Hyat Khan
Dr. Gopi Chand Bhargava
Sardar Swaran Singh.

Agenda Item No. 6

The Re-organisation Officer (East) has represented that the books connected with Bhakhara Dam Project should be transferred to the East, in accordance, with the decision of the Partition Committee:-

“Books connected with Projects which might be in process of execution in either Eastern or Western Punjab should be capable of separation.”

No. 945-P-C-47/237 Dated 30th July, 1947.

The West contests that the literature which consists of 24 bound volumes known as data does not come in the definition of books, and that “it is of great general use and cannot, therefore, be regarded as relating merely to Projects in progress in the East.” According to them, the literature should be divided like other official records. This position is untenable. The volumes under reference pertain specifically to the Bhakhara Dam and in view of the decision of the Partition Committee cited above, the East has clearly an exclusive claim to them.

S. Krishnan
7.8.47

Decision

It was agreed that the original records should remain with the Government of East Punjab but the Government of West Punjab were entitled to have copies. It was left to the Heads of Departments concerned to arrange between them for copies to be made out.

Sir G. Abell to Mr. S. Abbott

I.O.R. R/31/157: f255

TOP SECRET

8 August 1947

My dear Abbott,

I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award, and a note by Christopher Beaumont describing it.* There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore district.

The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point.

Yours sincerely,

(G.E.B. ABELL)

Photo Copy of the letter, note by Beaumont and the map showing the boundry line have since been published in Lahore, Pakistan. Vide *Partition of Punjab* Vol. I. (page 245, 246 and 247) National Document Centre, Lahore 1983.

The background of this letter is that Sir Evan Jenkins, the Governor of British Punjab wrote to Sir George Abell, private secretary to the Viceroy asking for advance information of the Punjab Boundary Award so that necessary arrangements might be made accordingly. The result was the above letter. Subsequently Sir Cyril Radcliffe appears to have changed his mind relating to tehsils of Zira and Ferozepore in the Ferozepore District and Jenkins was informed by scrophone on the 10th or 11th August, 1947. According to Lord Mountbatten the Punjab Boundary Award was presented on the 13th August and it was announced on the 16th August after discussing the same with the Prime Ministers of India and Pakistan.

Lord Mountbatten wrote "So far as my memory serves me the first indication I had that the Award was almost ready was when George Abell informed me (it must have been on the 9th August) that he had sent up a note to Jenkins the night before giving him a preliminary forecast of where the boundary is likely to be drawn. He did not consult me before sending off this forecast. (Nor did he show it to me) because he said that was done on staff level and that he had obtained it from Beaumont (Radcliffe's Secretary), merely to give Jenkins of an early warning of what was likely to be coming. I might add that none of my present staff nor John Christie whom I have consulted knew that forecast had been sent. Nor did I see the forecast so far as I remember." For more details see Document No. 235-243 in the Supplement.

Lord Mountbatten to Sir Evan Jenkins

I.O.R. MB 127

CYPHER TELEGRAM O.T.P.

SECRET

From - Viceroy

To - Governor of the Punjab

3269-S.

Dated 8th August 1947 (1400)

MOST IMMEDIATE

I discussed with Trivedi matter of the Sikhs and sent Abell to Jinnah to see whether he saw any objection to postponing action till results of the Boundary Commission's award were known.

2. As I expected, Jinnah said he had only agreed to simultaneous arrests as a compromise. What he would have liked was immediate action. He added that clearly Patel on the other hand would have liked to postpone action as proposed by you, and Trivedi after seeing Patel confirms this.

3. Jinnah added that though a common policy agreed by the two successor authorities was desirable it was useless to discuss the matter further and he must leave the decision to me.*

4. You now have Mudie with you and will have discussed matter with him.

5. You are the best judge of the situation. If you advise waiting to see reactions to the award I agree, but presume you will put out a very complete net so as pull in the most dangerous people promptly.

* For more details see Document no. 230-243 in the Supplement.

Publication of Punjab Boundary Award

Extract From the Viceroy's 69th Staff Meeting held at 11 A.M.
on August 9, 1947

I.O.R. MB 127

ITEM 1. THE PUNJAB

It was stated that Sir Cyril Redcliffe would be ready by that evening to announce the award of the Punjab Boundary Commission. THE VICEROY recalled that he has asked for the award to be ready by 10th August. However, it was now for reconsideration whether it would in fact be desirable to publish it straight a way. Without question, the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result.

Lord ISMAY gave his opinion that it would be best to defer publication of the award until the 14th August.*

Sir GEORGE ABELL said that he had already asked Sir Evan Jenkins for an opinion as to the best date for the announcement. He pointed out that there were administrative advantages from early publication.

THE VICEROY emphasised the necessity for maintaining secrecy, not only on the terms of the award, but also on the fact that it would be ready that day.

Reference was made to a telegram from the Governor of the Punjab concerning the situation in the Boundary Area, which was described as most serious. Sir Evan Jenkins asked for Army reinforcements, if possible; for a Tactical Reconnaissance Squadron, for the release of 200 provincial additional Police at present lent to Delhi; and for the earliest possible advance information of the Boundary Commission's award.

Lord ISMAY said that he had spoken about the first three of these requests with the Commander-in-chief that morning. As regards reinforcement troops, Field Marshal Auchinleck had already received a similar request from Major-General Rees, and was trying his best to raise these. He had pointed out, however, the necessity for Units being mixed; and it was mixed Units which Pakistan were wanting for the North-West Frontier. Most of the other available troops were committed in other directions. Field Marshal Auchinleck was fairly certain that the provision of some Tactical Reconnaissance aircraft was in hand; and he would expedite this.

Lord ISMAY said that he had also spoken to the Commander-in-Chief about the loyalty of Sikhs in the Army. Field Marshal Auchinleck had stated that there was a proportion of Sikhs in nearly all the Units in the Punjab Boundary Force. He was having the question of their loyalty examined.

THE VICEROY said that steps should be taken to ensure the loyalty of the Sikhs in the Governor-General's Bodyguard. Sir George Abell should see Major Massey and ask him to make it clear to the Bodyguard that he (The Viceroy) had had nothing to do with the award

of the Boundary Commission; and to ensure that any members of the Bodyguard whose loyalty was doubtful, should not attend the August 15th parades.

THE VICEROY said that the award of the Boundary Commission should not be put out in a communique from Viceroy's House, but rather published as a Gazette Extraordinary.*

HIS EXCELLENCY THE VICEROY:-

- (i) directed P.S.V. further to discuss with the Governor of the Punjab the timing of the announcement of the Boundary Commission's award;
- (ii) directed P.S.V. to arrange for the Boundary Commission's award, when published, to be contained in a Gazette Extraordinary;
- (iii) directed P.V.S. to tell Major Massey to take the steps in connection with the Governor-General's Bodyguard detailed above.

* For more details see Document no. 235-245.

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Sir Evan Jenkins to Lord Mounbatten

MB 127 (p-221)MB.140

COPY
TOP SECRET

No 703
Government House,
Lahore.
9th August, 1947.

Dear Lord Mounbatten,

Many thanks for Your Excellency's telegram No 3269-S dated 8th August 1947 about the subversive activities of Tara Singh and other Sikh leaders.

2. I have now discussed this matter both with Trivedi and with Mudie and we are all agreed (a) that the arrest of Tara Singh and his friends now or simultaneously with the announcement of the Boundary Commission's award could not improve and might, worsen the immediate situation; and (b) that though it may be necessary for me to make the arrests after the announcement of the award and before 15th August if the Sikhs give very serious trouble, it would be far better to leave them to be dealt with by the new Governments of West Punjab and East Punjab.*

3. In amplification of (a) it is clear that the village raiding which is now causing us so much concern in Amritsar and elsewhere is not specifically directed by Tara Singh and his associates, though it is undoubtedly the result of their general propaganda; their arrests now or simultaneously with the Boundary Commission's award would almost certainly lead to a sharp reaction among the Sikhs and would jeopardise what hopes there are that the Sikhs

in West Punjab will accept the award and settle down quietly. I believe that the reports submitted to Your Excellency on Tara Singh's personal activities are substantially true; but I doubt if in fact his alleged plans will come to anything.

Turning to (b), if the arrests were made by the Section 93 administration, the leaders taken in West Punjab would presumably have to be confined in a Pakistan jail, and the leaders taken in East Punjab would have to be confined in an Indian jail. We have as yet no evidence to support a criminal prosecution, and it is impossible to say what the attitude of the new Governments would be. West Punjab would be anxious to detain their men, but East Punjab, relying on some Sikh support, would be greatly embarrassed and might decline to take responsibility for the detention orders. On the other hand, if the two new Governments have to take decisions of their own, they are more likely to adhere to them and to make suitable arrangements for the custody of the prisoners - a matter which may cause considerable embarrassment.

4. I have not discussed the problem with Mamdot or with any political representative of East Punjab, as in the present state of feeling the politicians would be unable to keep quite about it; but there is no doubt at all about the views of Trivedi and Mudie. Trivedi pointed out to me that the logical alternatives were to make the arrests immediately or to await the results of the Boundary Commission's award, Mudie concurred in this view and added that unless West Punjab could be quite certain of the ultimate attitude of East-Punjab the confinement of the Sikh leaders, not on criminal charges but under my emergency powers, might be most embarrassing, and that he was not clear where I could put the leaders without causing trouble. I could hardly send them to what will in a few days be Pakistan jail; on the other hand if I left them in East Punjab they would be a centre of agitation.

5. I have accordingly decided to plan the arrests, but not to make them myself unless my hand is forced. The arrests may be far from easy, as the Sikh leaders travel a good deal and usually live in places like the Golden Temple where police action causes much excitement.

6. This decision will probably be unwelcome to Jinnah, but I believe that in all the circumstances it is the right one. The whole object of our policy has been to get as smooth a change-over as we can, even at considerable risk. The two new Governments may have to fight the Sikhs, but if I start the fight, now they will inherit it, and I do not think that this would be fair to them unless the arrests before the transfer of power are quite unavoidable.

Yours sincerely,
(Sgd) EVAN JENKINS

His Excellency Rear Admiral the Viscount Mountbatten of Burma,
KG, PC, GMSI, GCVO, KCB, DSO,
Viceroy & Governor-General of India.

* For more details see Document no. 235-243.

**Extracts from the Record of the decisions of the Partition Committee Meeting
held on Saturday, the 9th August, at 10.30 a.m.**

Partition Branch Record, Punjab Govt. Secretariat, Chandigarh

His Excellency the Governor
Mr. Zahid Hussain
Sardar Shaukat Hyat Khan
Dr. Gopi Chand Bhargava
Sardar Swaran Singh.
Messers Yaqub and Sachdev.

Agenda Item No. 6

*Ref. Unrealised Balances in Respect of Crown Land sold.
Steering Committee's Letter No. 946-PC-47/26.
Dated the 31st July, 1947.*

The partition Committee has referred to Committee "A" for a further report "The question of unrealised balance in respect of Crown Land that has been sold, "which was discussed in paragraph 24 of the Report of Committee." "B".

2. A Meeting of Committee "A: was held today, one of the members Mr. K.S. Malhotra was not present, as he has already left Lahore. But before leaving Lahore he recorded his views in writing, a copy of which is herewith enclosed;-

3. Mr. Ram Chandra's Views are as follows:-

According to the conditions of sale by auction of Agricultural land in canal colonies, the purchaser is required to pay at once a deposit of 50 per cent, of the amount of his bid and he is placed in possession of the land. The balance of the purchase money together with interest may be paid at any time within three months. If the balance is not paid within three months it is required to be paid in two equal annual instalments. Until the full amount is made, the purchaser is deemed to be a tenant under section 15 of the Colonization of Government Lands Act, 1912. There is a provision that if the purchaser makes default in any payment on the due date the Collector may rescind the contract, and all sums deposited already in part payment shall be forfeited to Government. The word "may" occurring in this provision, and the existence of a further provision that penal interest at 9 per cent per annum, shall be payable on over due instalments of purchase money go to show that the period for recovery of the balance of purchase money may even be extended beyond two years. The unrealised balance is an asset of the Punjab and East is entitled to a share in it as in other assets. The deposit originally made by the purchaser was credited to extraordinary

receipts and become a part of the general balances that will be divided between the two in new provinces. Similarly, the balance of the purchase amount when recovered, should be shared by both East and West. The same principle should apply in the case of sale of non-agricultural land by private treaty.

Government officers are sometimes allowed, as a reward for their meritorious services, to purchase Crown waste Agricultural land at a fixed rate. The procedure is that if the Officer's application is granted, an offer is made to him that he may deposit the purchase price within four months. There are cases in which this period of four months has not yet expired. In such cases the amount of money paid by the Government servant, if and when he accepts the offer, should be divided between the two provinces, since the offer was made before the date of partition.

4. Mr. Majids view are as follows:-

When a purchaser of agricultural land in a canal colony elects to pay the 50 percent balance of the purchase money in two instalments, he is put in possession in the capacity of a tenant, so that the land continues to be owned by the State. The purchaser cannot become the owner until the whole of the purchase money has been deposited to Government. The result is that whether the instalments of purchaser money will be outstanding on the date of partition of the provinces, the land concerned will be the property of the State and not of the purchaser. Landed property of this type cannot be made the subject matter of financial adjustment between the two new provinces. The amounts previously deposited may be shared between the two provinces because such deposits are not repayable to the purchasers even if the contracts are rescinded at a future date.

The main point to remember is that the contract to sell some land in the West Punjab, effected before the date of partition cannot help the East Punjab to obtain a share in any part of the sale price recovered after the date of partition. Lands is a natural asset and if future recoveries of sale prices were claimed as divisible, it would be possible to extend the principle to contracts for quarrying mines which would yield royalties and rents for all years to come. It is understood that future proceeds from royalties and rents in mines are not going to be shared between the Dominions of India and Pakistan after the date of Partition.

Where only an offer to sell some land is made before the date of partition, it cannot be said that a contract has been actually executed before the date. The land is not sold till after the purchase price has been paid in full. The result is that such land will be classed as unallotted land on the date of partition. The same is true of sales of town sites in canal colonies, because these sales do not allow the payment of the purchase money in instalments.

The view expressed above are in conformity with the views which I expressed in paragraph 24 of the report of Committee "B".

5. Mr. Abdul Hamid Butt agrees with Mr. Majid

Sd/- Ram Chandra
Sd/- H.A. Majid
Sd/- Abdul Hamid Butt.

My view on paragraph 24 of the Report on Physical assets and liabilities by Committee "B" which has been referred to Committee A for opinion are as under:

2. In this paragraph Ph. East has claimed its share of the large amounts of unrealised balances which are due to the Government of the Punjab on account of land sold outright, or allotted to grantees, prior to 14th August, 1947. Since all such transactions were contracted by the Government of the Punjab before partition the claim of the East is just and equitable. All instalments due should for the purposes of partition be taken as realised and the capital sums so arrived at divided between the East and West Punjab in the agreed ratio.

3. I must confess that I fail to appreciate the argument of the representatives of the West when they contest this claim on the plea that where instalments are still due it is open to Govt. to resume the land as a result of some default. Surely in the case of such resumption the West will not be losers in any way or they would be resuming full ownership of such land which they could sell again. If anything they should be gainers by such resumption to the extent of the amount (30 per cent at least) already realised. It is not possible to appreciate the suggestion that only such portion of the land as represents the percentage of the value paid should be considered to have been sold in such cases. Legally the land and the entire part of it belonging to any transaction has been sold. It is only the realization of the sale proceeds, which for the sake of convenience of the purchasers, has been spread over a period of two years by Govt. and the only right course to adopt is to treat the transaction as finalised and to take the outstanding dues as assets of the Province in whose jurisdiction the land concerned lies. And for the necessary adjustments should be made with the other part. In fact, the amounts not paid are in the nature of advances to purchasers or grantees of land on which interest is also charged, but for purposes of adjustment, the amount of sale proceeds, exclusive of interest, only should be taken into account.

Sd/- K.S. Malhotra

Mr. Ram Chandra M.B.E., C.I.E., I.C.S., Chairman, Committee. A.

Decision

Item 6 The question of unrealised balances in respect of Crown land generally regarding which the Parties had agreed to go to the Arbitral Committee. (The tribunal) The consideration of this item was postponed but in the meanwhile, an enquiry should be made regarding the amount involved.

**Extracts from the Record of Decisions of the Partition Committee Meeting
held in Government House on Sunday, the 10th August, 1947, at 10.30 a.m.**

Partition Branch Record, Punjab Secretariat, Chandigarh

Present

His Excellency the Governor
Mr. Zahid Hussain.
Dr. Gopi Chand Bhargava
Sardar Swaran Singh
Mr. Justice Cornelius (by special invitation)
Messers Yaqub Shah and Sachdev.

Agenda Item No.6

No. 156/p, Dated Lahore, 5th August, 1947.
From Sir John Benett, C.I.E., OBE, I.P. Inspector General of Police, Punjab.
To The Secretary, Steering Committee.
Subject: Police Training School Phillaur, Finger Print Phillaur and the Police Scientific
Laboratories in Lahore and Phillaur. - - - - -

With reference to your letter No. 347-PC-47/188 Dated the 23rd July, 1947, I have the honour to inform you that the Police Training School, Phillaur, the Finger Print Bureau, Phillaur and the Police Laboratories at Lahore and Phillaur were the subjects of a discussion between officers on Special Duty, East and West and myself. The arrangements finally arrived at are contained in the enclosed minute.

Present

1. Sir John Benet, Inspector General Of Police, Punjab.
2. Sant Parkash Singh, Officer on Special Duty (East).
3. Khan Qurban Ali Khan, Officer on Special Duty (West).

1. Police Training School, Phillaur.

The view of the expert committee that no specialised staff was needed for the setting up of a training school in the Western Punjab is incorrect. The present shortage of specialised instructors, for all subjects is one of the reasons for Inspector General's original recommendation that the Police Training School at Phillaur should cater temporarily for both the Provinces. The other main difficulty in getting a separate training school going for the West was that of accommodation. When accommodation and specialised instructor become available the Western Punjab will be in a position to set up its own training school. The best

time to open a new school is at the end of February or March when fresh entrants to all classes are received. Although the lower school course is just about to finish and the new course will assemble on the 1st October after the vacation the Intermediate class, which is very big this year, continue until next February.

The students in Phillaur are frequently used in emergency as reserves or striking forces. There should be an agreement between the two Governments;-

- (1) that the East Punjab will not use any officers or men of the West in any striking forces taken from Phillaur to deal with the trouble of any kind in the East and;
- (2) that if the Inspector General of police Western Punjab, requires officers and men from his own province under training at Phillaur for use as striking forces in the West the officers and men will be returned to him.

2. *Finger Print Bureau*

It is certainly possible for the Western zone to set up its own Finger Print Bureau but how this can best be done in this interests of both provinces should be referred to the expert at Phillaur. It is an desirable for the East to have the finger prints of some criminals from the East because criminals will no more recognise the new provincial boundaries than they do existing provincial boundaries and other geographic divisions. There may, therefore, have to be a certain amount of duplication of record slips and the best way of doing this is by basis of residence of the criminal having photos at or ordinary photographic copies made. But even if the division was to be made on the simple basis of residence of the criminals the task of splitting up the records will prove a big one. Finger Print slips are not filed according to districts but according to certain finger print formula which bring together finger prints that in some respects resemble each other. It will therefore be necessary for officers to go through each pigeon hole and each file in each pigeon hole and separate the criminals under each classification into two bundles, one for the East and one for the West. The time taken may be judged from the fact that there are hundreds of thousands of slips on record.

3. *Criminal Investigation Department Laboratory Lahore.*

The division on this is slightly misleading. The Phillaur Laboratory is already fully equipped. The Western Punjab should arrange at the earliest possible date to engage an expert to make over the Lahore Bureau. He should if possible be a master of science.

The report of Sir John Bennett, Messers Sant Parkash Singh and Qurban Ali Khan was considered and the following decisions made:-

1. *Police Training School, Phillaur* - The recommendation was accepted in principle and it was agreed that the school will be open to men of both Provinces upto 31st March 1948, but as regards numbers, etc. a more detailed report should be called.
2. *Finger Print Bureau* - The recommendation was accepted in principle but a report should be called from experts as to the manner in which and time for which Western

- Punjab could avail of the facilities at the Bureau.
3. *C.I.D. Laboratory, Lahore* - The recommendation was accepted.

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**"Summary of Report from Commander Punjab Boundary Force To
DCG (A) on Telephone - 1530 Hrs. 11 August 47"**

I.O.R. R3/1/171

Top Secret

1. The Civil arrangements for splitting the Punjab are proceeding rapidly and a few days ago a new Hindu Supdt. of Police arrived in Amritsar to take over. His first act was to dis-arm the Muslim members of the police Force. This has created considerable alarm and despondency. The Police Force in Amritsar has decreased by 30%. The Muslim Police are most anxious for their own safety and for that of their families. The Governor has taken prompt action and this Hindu. Supdt of Police has been transferred to the Kangha Valley. The Muslim police are being evacuated under Civil arrangements to Western Punjab. The harm has, however, been done and with this reduction in the efficiency of the Police Force more and more calls are being made on the troops of the Punjab Boundary Force.
2. The refugee problem mainly from Eastern Punjab to Western Punjab is becoming increasingly difficult and more and more of the population is on the move; naturally the civil are demanding escorts from the Punjab Boundary Force to protect these defenceless refugees as they move and the Commander, Punjab, Boundary Force is doing what he can.
3. The disturbances are producing an averages daily killing of about 100 people with occasional large raids in which 70 to 80 people are killed at one fell swoop. There have been two of these in the last few days, one in which the victims were Muslims and the other in which the victims were Sikhs and Hindus. A Lieut. in 3 Mahar who went on a few days leave to his home was liquidated with his entire family. The GOC did not know his name.
4. The bigger raids are usually carried out by well armed and well led gangs. Information is generally being received too late. This is due to the "sources" of information drying up and the general pull-out of Europeans.
5. There is no doubt that but for the presence of troops an uncontrolled massacre would now be taking place.
6. The Government of Eastern Punjab which is setting up is of course a very creaky machine at present.
7. The troops are unaffected by the communal tension and are carrying out all that

is asked of them magnificently.

8. The GOC pressed for the arrival of the Fighter Recce Sqn. which was promised him. So far it has not arrived and he is being forced to use his AOP Flight for intercommunication and recce purposes. He stresses the importance of the Air from the morale aspect and says the appearance of aircraft quietens down the neighbourhood at once. Railway authorities are pressing for aircraft to be allowed to fly up and down the railway lines as they consider this will prevent, to a large extent, damage to the track by keeping saboteurs well away from the lines.

9. The derailment of the train two nights ago, he attributes to Sikhs and the Jeep containing the saboteurs which was chased disappeared into the State territory of Faridkot. I am taking action in re L/Recce Sqn.

Sd/-
Maj Gen
DCGS (A)
AUG 47
(DC HAWTHORN)
(Tel No 3561)

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Major Short to Lord Ismay

I.O.R. MB 130

SEAL
Broadland
Archives

MOST SECRET

General Lord Isamy

1. Sikh situation report: Written, because I am avoiding you till B. C. (Boundary Commission) award is out.

2. I have reason to believe what follows.

3. H.E. has succeeded in convincing Sikh leadership at least that he is not touching B.C. award. This is source of Baldev's and prevailing Sikh mood of deep gloom.

4. The same goes for you, both on H.E.'s behalf and as your own as his Chief Advisor.

5. Sikhs, in armed forces, O.K. Sections of same appealed to Panthic Board to be

allowed to non-cooperate. P.B. rejected appeal, and bade them do their duty, however irksome.

6. Muslims and Sikhs not out for scrap after award. Former least of all because they want peace to enjoy "fruits of Pakistan" (I quote as reported to me) —witness. Muslims putting it about that they must be prepared for a Ravi plus Lahore city minus some of Montgomery boundary. Mamdot himself a few days ago suggested transfer of population to Sawarn Singh. Latter (Sikhs) certainly not wanting an immediate scrap; partly because H.E. gave counsel to be constructive and not destructive, has some fruit and partly because how Sikhs scrap will depend on how they stand after the award and will require time to plan and execute-intention only 5 above.

7. But given Nankana Vatican municipality of some sort and free entry and visit 50% certainly (I quote again) Sikhs can be held. Their sentiment being thus least offended - - - very well i.e. their hearts thus touched, their heads will be cooled.

8. Giani Kartar Singh is not the spent force-I would thought him to be and not only is to be preoccupied with constructive possibilities but has a genuine affection and respect for Swarn Singh - who is (I am beginning to discover: he has risen since my time) the answer to our prayers for an oncoming really good Sikh leader.

9. Aforesaid constructive possibilities include amongst much else a constitutional process for consolidating the Sikhs in East Punjab around H.H. Patiala (for whom there is a more popular support and affection than I had expected. H.E.'s estimate of H.H. was more accurate than was mine).

10. Details of above and other possibilities can keep file I report verbally. Except in the case of two. Both are with a mention if only in barest detail.

11. Our is that perhaps after B.C. awarded. H.E. could persuade Jawahar Lal or Patel or Jinnah to reassure not minorities in general but the Sikhs in particular in fairly simultaneous justice statements. I do help till leadership still the tumult.

12. The other is to me specially interesting as revocating the Sikh feeling for us. It is the possibility of Sikhs like Gurkhas having allowed to serve in our armed forces is a treaty with H.H. Patiala.

13. Guts of all this I owe to some hours with Giani (K.S. Singh) this a.m.

W (for short)
12 August 1947

Baldev has since confirmed above. But rightly points out that constructive possibilities will be in ratio to Sikhs feeling award is just - I "feeling" . . . rather than "realising".

**Lord Mountbatten to Maharaja of Patiala
12th August 1947.**

I.O.R. MB. 127

My dear Maharaja Sahib,

I received Your Highness's letter of the 7th August about the partition of the Punjab. There seems to be widespread belief that the boundary line on which the Boundary Commission decides will, in some way, have been approved by myself, that I can interfere with the Boundary Commission, and that I shall be responsible for the result. Nothing can be farther from the truth. The Boundary Commission is a judicial body, and I have made it clear from the start that I did not frame its terms of reference, and that I should not intervene in any way in the deliberations of the Commission.

I am afraid, therefore, it has been quite impossible for me to consider handing on to the Boundary Commission the representation that Your Highness has made in your letter to me. I am sure you will understand, and I hope that you will tell others what the true position is.

With all good wishes

Yours very sincerely,
Sd. Mountbatten of Burma.

Lt. General His Highness Maharajadhiraja Rajeshwar Sri Maharaja-i-Rajagan Sir Yadavindra Singh

The Arbitral Tribunal Orders 1947

*Published in the Gazette of India Extraordinary,
Notification No. G.G.O 9. dated the 12th August, 1947.
Partition proceeding Vol.VIII-p.1-3.*

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf the Governor-General is pleased to make the following Order:-

1.

- (1) This Order may be cited as the Arbitral Tribunal Order, 1947.
- (2) It shall come into force at once.

2. The interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) As from the fourteenth day of August, 1947, there shall be set up an Arbitral Tribunal (hereinafter referred to as "the Tribunal") consisting of a Chairman who shall be nominated by the Governor-General, and two members who shall be so nominated, one to represent the future Dominion of India and the other to represent the future Dominion of Pakistan.
- (2) If the office of the Chairman becomes vacant it shall be filled by such person as the Governors-General of the two Dominions may agree to nominate as Chairman, and if the office of a member becomes vacant it shall be filled by such person as the Governor-General of the Dominion concerned may nominate as member.
4. (1) The Tribunal shall have power to make awards in respect of references made to it before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, by any of the bodies hereinafter mentioned being references relating to any of the following matters, namely:-
- (a) the division between the Dominions of India and Pakistan of the assets and liabilities of the Governor-General in Council;
 - (b) the apportionment between the Dominions of India and Pakistan of expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of the Joint Defence Council Order, 1947;
 - (c) the amount of assets and liabilities of the Reserve Bank of India to be transferred to Pakistan when the Reserve Bank of India ceases to be the bank of issue for Pakistan or the Central Bank of Pakistan;
 - (d) the apportionment between the Dominions of India and Pakistan of the current earnings of foreign exchange including current releases of sterling by His Majesty's Government in the United Kingdom, during the period when the Reserve Bank of India administers common exchange controls on behalf of both the Dominions;
 - (e) the division between the new provinces of East Bengal and West Bengal, of the assets and liabilities of the existing Province of Bengal;
 - (f) the allocation to the new existing Province of East Bengal of any of the assets and liabilities of the Province of Assam;
 - (g) the division between the new Province of West Punjab and East Punjab, of the assets and liabilities of the existing Province of the Punjab; and
 - (h) any other matter arising directly out of partition.

(2) The bodies referred to in paragraph (1) of this Article are the bodies which on the date of the commencement of this Order are known as -

- (a) the Partition Council,
- (b) the Provisional Joint Defence Council,

(c) the Bengal Separation Council,
(d) the Punjab Partition Committee, and
(e) the Assam Separation Council,
and the corresponding bodies which are to be setup as from the date of the establishment of the Dominions of India and Pakistan.

3. Whenever the appropriate body mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraphs (a) to (g) of paragraph (1) thereof, that body shall make a reference to the Tribunal, but before the first day of December, 1947, or with the permission of the Chairman before the 1st day of January, 1948, setting out as clearly as may be the matter or matters in difference.

4. Whenever any of the bodies mentioned in paragraph (2) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub-paragraph (h) of paragraph (1) thereof, but is agreed that a reference should be made to the Tribunal, that body may make a reference before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, setting out as clearly as may be the matter or matters in difference.

5. (1) Whenever any of the bodies mentioned in paragraph (2) of Article 4 is unable to agree whether or not a matter is one in regard to which this body is required by paragraph (3) of that Article to make a reference in the contingency mentioned therein, that question shall be referred to the Tribunal whose decision thereon shall be final.

(2) Where a question has been referred to the Tribunal under this Article:-

- (a) if the two members of the Tribunal are agreed as to the decision to be given, such decision shall be the decision of the Tribunal; and
- (b) if the two members are not agreed, the Chairman shall decide the question and his decision shall be the Tribunal's decision.

6. In respect of any reference made to the Tribunal under Article 4, -

- (a) if the two members of the Tribunal are agreed as to the terms of the award to be made, the Chairman shall make the award in those terms; and
- (b) in the event of disagreement between the two members with regard to any matter arising out of the reference, the Chairman shall decide such matter and make the award accordingly.

Provided that the body making the reference may, at any time before the award is made, withdraw the reference by notice in writing to the Tribunal.

7. (1) Every award made in accordance with the provisions of Article 6 shall be binding on the two Dominions and all Provinces and other parts thereof, and on all persons directly or indirectly concerned in or affected by the award.

(2) Every such award shall be communicated forthwith by the Chairman to the body by

which the reference was made, the Governments of the two Dominions, and the Governments of the Provinces concerned, if any.

8. (1) The Tribunal shall have power-

- (a) to make an award conditional or in the alternative;
 - (b) to correct any clerical mistake or error arising from any accidental slip or omission.
 - (c) subject to the provisions of this Order, to determine its own procedure; and
 - (d) to appoint such ministerial officers as it may find necessary.
- (2) The Tribunal shall have all the powers of civil court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production documents, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

9. Nothing contained in the Arbitration Act, 1940, shall apply to proceeding before the Tribunal.

MOUNTBATTEN OF BURMA,
Governor-General.

K.V.K. SUNDARAM,
Officer on Special Duty.

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**Punjab Boundary Force
Governor Punjab's Report to Viceroy
(August 12, 1947)**

I.O.R. R/3/1/171

5. The Commander, Punjab Boundary Force, has a most difficult task. The population of the twelve districts in which he is operating is close on 14.5. million, and this population is distributed over 17,932 inhabited towns and villages. When the possibility of the enforcement of a Boundary award was first discussed, I estimated that we should need at least two Divisions of full strength and on a war footing i.e., a minimum of about 20,000 effective fighting men. Their effective strength of the P.B.F. is at present about 7,500, or including static troops and training centres about 9,000. Now that the Police are definitely unreliable in Lahore and Amritsar, the troops have a rapidly increasing responsibility. Neither the railways nor the main roads are safe, and the village raidings are quite impossible to control without a very great display of force. Fire power is really less important than numbers. Until 1946 I do not think that we had ever experienced in India any large communal upheaval outside the cities - the Mopla rebellion is perhaps an exception to this general

statement. The lesson of the 1947 disturbances in the Punjab is that once the interlocked communities begin to fight all over the country-side, the only remedy is to employ a very large number of troops. I should say that the Amritsar district could at the moment do with two full-strength Brigades in addition to the old Police force. It has in fact one weak brigade, and a Police force which has largely disintegrated.

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Sir Cyril Radcliffe's Award

Partition Proceedings Vol VI, p. 303-305

To His Excellency the Governor-General,

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of Section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by the announcement of the Governor-General, dated the 30th of June 1947 reference No. D50/7/47R. The members of the Commission thereby appointed were:

Mr. Justice Din Mohammad,
Mr. Justice Muhammad Munir,
Mr. Justice Mehr Chand Mahajan, and
Mr. Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows:-

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July, 1947, to Thursday the 31st of July, 1947, inclusive, with the

exception of Sunday, the 27th of July. The main arguments were conducted by counsel on behalf of the Indian National Congress, the Muslim Leage and the Sikh members of the Punjab Legislative Assembly, but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all material submitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the West and on the East respectively which provoked no controversy as to which State they should be assigned; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors," which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances, my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundaries described Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which states interested in canals whose headworks were situated in the Punjab Province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan, since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreement that either of these States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned. I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

9. The tasks of delimiting a boundary in the Punjab is difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgement the truly

debatable ground in the end proved to lie in an around the areas between the Beas and Sutlej Rivers on the one hand and the River Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of system of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of these cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission, I am conscious that there are legitimate criticisms to be made to it; as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas East of the Sutlej River and in the angle of the Beas and the Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Depalpur Canal, which serves areas in the West Punjab takes of from the Ferozpur headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tehsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplied power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozpur, Sheikhpura and Lyallpur. I think only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric-power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means to be found to gratify to the full these sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this commission.

New Delhi.
The 12th August, 1947

CYRIL RADCLIFFE

THE SCHEDULE

Annexure A

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh River enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot tehsil to the point where the Pathankot, Shakargarh and Gurdaspur Tehsils meet. The tehsils boundary and not the actual course of the Ujh River shall constitute the boundary between the East and the West Punjab.

2. From the point of meeting of the three tehsils above mentioned, the boundary (line) between the East and the West Punjab shall follow the line of the Ujh River to its junction with the River Ravi and thereafter the line of the River Ravi along the boundary between the tehsils of Gurdaspur and Shakargarh, the boundary between the tehsils of Batala and Narowal, the boundary between tehsils of Ajnala and Narowal, and the boundary between the tehsils of Ajnala and Shahdara, to the point on the River Ravi where the district of Amritsar is divided from the district of Lahore. The tehsil boundaries referred to, and the actual course of the River Ujh or the River Ravi, shall constitute the boundary between the East and the West Punjab.

3. From the point on the River Ravi where the district is divided from the district of Lahore, the boundary between the East and the West Punjab shall turn southwards following the boundary between the tehsils of Ajnala and Lahore and then the tehsils of Tarn Taran and Lahore, to the point where the tehsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south westward along the boundary between the tehsils of Lahore and Kasur to the point where that boundary meets the north east corner of village Theh Jharollian. It will then run along the eastern boundary of that village to its junction with village Cathianwala turn along the northern boundary of village, and then run down its eastern boundary to its junction with Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Pajhuwan. the line will then run down the eastern boundary of village Panjhuwan to its junction within village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary to village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with village Kals and Mastgarh. It will then run along the southern boundary of village and Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the north and village Sheikhupura Kahna, Kamalpuran, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahidepur and Machhike.

It will then turn north, eastward along the boundaries between village Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke and Gajjal. From that point the line will along the boundary between village Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Ajmanpur. It will then turn along the north-eastern boundary of village Nagar Ajmanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tehsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map authorised by the then Settlement Officer, Lahore District which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It continues along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and the West Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks and the boundary shall be adjusted accordingly.

6. So much of the Punjab as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

K.V.K. Sundaram
Officer on Special Duty

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The Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947

Extraordinary issue of Punjab Gazette Lahore, Wednesday, August 13, 1947

Legislative Department Notification No 489.

The following Order of the Governor of the Punjab under section 9 of Independence Act, 1947 is hereby published for general information:-

Whereas the Punjab Province is to be divided into two new Provinces to be known as West Punjab and East Punjab respectively in accordance with Section 4 of the Indian Independence Act (10 and 11 Geo. 6, Ch.30).

And whereas it is necessary to make provision for the apportionment of certain assets and liabilities of the Punjab Province between the two new provinces:

Now, therefore, in exercise of the powers conferred by clause (b) of subsection (1) read with sub section (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely:

1. This order may be called the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947.
2. In this Order, unless the context otherwise requires-
 - (a) "the appointed day" means the fifteenth day of August, nineteen hundred and forty-seven;
 - (b) "new Province" means West Punjab or East Punjab or both West Punjab and East Punjab, as the context may require.
3. In relation to the under-mentioned items of property, namely:-
 - (i) Crown-wastelands;
 - (ii) land under irrigated plantation under the control of the Forest Department;
 - (iii) bins and sheds used for the storage of foodgrains held on Government account;
 - (iv) Seigniorage charges levied by the Punjab Province from the States of Bikaner, Patiala, Nabha and Jind, on account of canal water; and
 - (v) canals owned by the Punjab Province:

the respective rights and liabilities of the two new Provinces shall be referred for determination to the arbitral body to which disputes between the Dominions of India and Pakistan are to be referred for arbitration.

4. (1) In relation to unissued stores and all such assets as are immediately movable, or which can be moved without major structural alteration of immovable assets, wherever they may be situated on the appointed day, either of the new Provinces may present to the other new Province, on or before the 15th September, 1947, a claim that physical apportionment should be made of any specified asset or assets, between the two new Provinces.
- (2) Where the asset or assets in question are such that physical apportionment is not possible without detailed technical enquiry, each new Province shall nominate a representative, and the two representatives together with a third person acceptable to both parties, who shall be nominated as Chairman by both the new Provinces, shall form a Committee of Enquiry.
- (3) The Committee shall enquire and report with all possible speed as to the feasibility of physical apportionment of the asset or assets in question, and in making its report,

the Committee shall take particular account of the following factors, namely:-

- (a) in the case of machinery or equipment (i) the capacity required by the new Provinces for direct Government work, such as the maintenance of Punjab Works required by the new Provinces, and the execution of projects over a period of five years, regard being had to other Government capacity available in the new Provinces; and (ii) the capacity surplus to (i);
 - (b) in the case of assets to which (a) cannot conveniently be applied, the direct needs of each new Province and the sources from which such needs can be met other than the asset or assets in question;
 - (c) the importance to both Provinces of economy and (in appropriate cases) in balanced working;
 - (d) the time and expenditure likely to be required to bring any assets that may be moved into effective use;
 - (e) the time and expenditure likely to be required to buy and bring into effective use similar assets from elsewhere;
 - (f) the time and expenditure likely to be required for any rearrangements in the Province in possession; and
 - (g) the disadvantages which will be suffered by the Province in possession, including loss and damage arising directly from the removal of the assets, the time and expenditure required for essential rearrangements and general loss of efficiency.
- (4) The report shall be submitted to the Government of the two new Provinces with all possible speed, and if they do not accept it, and no other agreed settlement is reached on the matter in dispute, it shall be referred to arbitration in the manner provided in clause 3.
- (5) Where the asset or assets admit of apportionment without detailed technical enquiry, the provisions of sub-clauses (3) and (4) shall not apply, and the apportionment shall be effected to accordance with such agreement as may be arrived at between the two new Provinces, or if there is no such agreement by arbitration in the manner provided in clause 3.
5. (1) In order to provide financial resources to the two new Provinces sufficient to meet their immediate need on and after the appointed day, the Provincial Cash Balance as it stands on the appointed day shall be divided between the two new Provinces, so that the share of West Punjab shall be two-fifths, and the share of East Punjab, three-fifths thereof.
- (2) The securities specified in column 2 of the second schedule hereto annexed, of the aggregate face value of rupees ten crores shall be allocated to West Punjab and East Punjab, as provided in column 4 and 5 respectively, of the said Schedule but account shall be taken of such apportionments in the general financial settlement made under clause 6, and the remaining securities shall be retained by the Reserve Bank of India in trust for the two new Provinces and shall not be endorsed or

negotiated otherwise than as part of the said general financial settlement.

- 6.(1) There shall be a general financial settlement between the two new Provinces, and such settlement shall relate to and include all the assets and liabilities of the Punjab Province, as they stand immediately before the appointed day, excepting assets and liabilities for the apportionment of which express provision is made by any clause other than clauses 3,4 and 5 of this Order:

Provided that in taking account of the value of the assets of the Punjab Province, the value of the following items shall be excluded from consideration, namely:-

- (a) forests (subject to any award of the arbitral body under clause 3 (ii).
- (b) roads;
- (c) contents of buildings other than buildings specified in the First Schedule hereto annexed;

Provided further that any award of the arbitral body given under clause 3 or clause 4 any allocation of financial liability by agreement between the two new Provinces, and any physical apportionment effected under clause 4, shall be taken into account in making the general financial settlement.

- (2) The general financial settlement shall be made by agreement between the two new Provinces, or, failing agreement, by arbitration in the manner provided in clause 3.

7. Subject to the provisions of clause 6, all lands, works forests, roads buildings and all movable property of every type including foodgrains held on Government account, but not including any unissued stores, contents of buildings, or other assets in respect of which a claim for apportionment has been or may be made under clause 4, being the property of the Punjab Province immediately before the appointed day, shall on and after the appointed day, be the property of that new Province in whose territory they are situated on the appointed day.

8. The balance in the State Provident Funds Account shall be divided between the two new provinces in such manner that the amount held in respect of any employee of the Punjab Province, shall be transferred to that one of the new Provinces in or under which he is serving on and after the appointed day;

Provided that if such employee is serving in one of the new Provinces as a lent official, such amount shall be transferred to the other new Province.

9. The balance of Local Funds Deposits shall be divided between the two new Provinces, so that the sum held in deposit on account of any local authority shall be transferred to that one of the new Provinces in the territory of which such local authority is situated.

10. The balance on account of Civil Deposits shall be divided, so that each new

Province shall take the amount deposited in any treasury or Court or other office situated within its territory.

11. The balance in the Harijan Welfare Fund shall be divided between the two new provinces as nearly as may be in the proportion of their respective Schedule Caste populations, as determined at the Census of 1941.

12. The balance in the Motor Transport Reserve Fund shall be divided between the two Provinces in the same proportion as the Motor Vehicles owned by the Punjab Province are divided between them.

13. In relation to the Depreciation Reserve Funds, maintained for the following undertakings owned and operated by the Punjab Province, namely (a) Electricity Undertakings (b) Motor Transport Undertakings, (c) Printing Presses and (d) the Jallow Rosin Factory, the balance held in respect of each such Undertaking shall be deducted from the book value of such Undertaking, and the diminished value so obtained shall be the value to be placed upon such undertaking in the computation of the aggregate value of the physical assets of the Punjab Province. The balance of such Funds shall be included in the cash balance to be apportioned between the two new Provinces under clause 6.

The First Schedule

I. Industries Department

1. Tanning Institute, Jullundur.
2. Hosiery School, Ludhiana
3. Punjab Institute of Textile Technology, Amritsar.
4. Mayo School of Arts, Lahore
5. Industrial Research Laboratory, Lahore.
6. Government Institute of Dyeing and Calico Printing, Shahdara.
7. Government Weaving and Demonstration Factory, Shahdara.
8. Surgical Instruments Centre, Sialkot.

II. Forest Department

9. Forest School Ghoragali
10. Jallo Rosin and Turpentine Factory, Jallo.

III. Veterinary Department

11. Live Stock Farm, Hissar
12. Punjab Veterinary College, Lahore.

IV. Medical Department

13. Glancy Medical College, Amritsar.
14. Victoria Jubilee Hospital, Amritsar.
15. King Edward Medical Collage, Lahore
16. Punjab Mental Hospital, Lahore
17. Chemical Examiner's Laboratory, Lahore
18. Provincial Bacteriological Laboratory, Lahore
19. Mayo Hospital, Lahore
20. Lady Willingdon Hospital, Lahore
21. Punjab Dental Hospital, Lahore

V. Jails Department

22. Central Jail, Lahore
23. Borstal Institution, Lahore
24. Women's Jail, Lahore
25. New Central Jail, Lahore
26. Old Central Jail, Lahore
27. Central Jail, Montgomery

VI. Education Department

28. Central Training College, Lahore
29. Government Collage, Lahore
30. Lady Maclegan Training College, Lahore
31. Queen Mary's Women Collage, Lahore
32. Lawrence School and College, Ghoragali

VII. Agriculture Department

33. Punjab Agriculture College and Research Institute, Lyallpur.

VIII. Public Health Department

34. Vaccine Institute, Murree
35. Vaccine Institute, Lahore
36. Punjab Epidemiological Bureau, King-Edward Medical College, Lahore,

IX. Public Works Department

37. Government School of Engineering. Punjab, Rasul
38. Punjab College of Engineering and Technology, Lahore
39. Soil Research Laboratory, Lahore.

X. Printing Department

40. Government Printing Press

The Second Schedule

Statement showing the distribution of certain Government of India Securities held by the Punjab Govt. between the West Punjab and East Punjab.

S. No.	Particulars of securities	Face value of securities	(36%) East's share	(64%) West's share
1.	3% Loan, 1953-55	2,96,44,000	1,06,71,840	1,89,72,160
2.	3% Loan, 1957	1,99,38,000	71,77,680	1,27,60,320
3.	3% Loan, 1959-61	2,00,00,000	72,00,000	1,28,00,000
4.	3% Loan, 1963-64	2,35,00,000	84,60,000	1,50,40,000
5.	3% Loan, 1966-68	69,18,000	24,90,480	44,27,520
Total		10,00,00,000	3,60,00,000	6,40,00,000

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The Punjab Partition (Adaptation of Laws) Order 1947

*Extraordinary issue of Punjab Gazette Lahore, Wednesday
August 13, 1947*

Legislative Department Notification

The following order of Governor of Punjab under section of the Independence Act, 1947 is hereby published for general information:-

WHEREAS as provided by sections 2 and 4 of the Indian Independence Act, 1947 (10 and 11 Geo. 6, Ch. 30) there are to be set up two independent Dominions in India to be known respectively as India and Pakistan, and the Punjab province is to be divided into two new Provinces to be known respectively as West Punjab and East Punjab;

AND WHEREAS under section 18 of the said Act, the law in force in the Punjab Province immediately before the appointed day is to continue to be the law in force in the two new Provinces, subject however, to necessary adaptations being made therein;

NOW, THEREFORE, in exercise of the powers conferred by clause (a) of subsection(1) read with sub section (2) of section 9 of the said Act and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order,

namely,

1. (1) This Order may be called the Punjab Partition (Adaptation of Laws) Order, 1947.

(2) It shall come into force on the appointed day.

2. The Interpretation Act, 1889, shall apply for the interpretation of this Order; and the expressions specified below shall have the meanings respectively assigned to them, that is to say:-

- (a) "the appointed day" shall mean the fifteenth day of August nineteen hundred and forty-seven;
- (b) "British India" shall mean all the territories comprised within the Governor's Provinces and the Chief Commissioners' Provinces immediately before the appointed day;
- (c) "Punjab province" shall mean the territories administered by the Governor of the Punjab immediately before the appointed day;
- (d) "existing Central Law" and existing "Punjab Law" shall mean any law, ordinance, order, by law, rule or regulation passed or made, before the appointed day, by any legislative authority or person being a legislative authority of person having power to make such law, ordinance, order, by-law, rule or regulation for British India, or, as the case may be, the Punjab Province;
- (e) "new Province" shall mean West Punjab or East Punjab or both East Punjab and West Punjab as the case may require.

3. Subject to the Provisions hereinafter in this Order contained:-

- (a) every provision of an existing Central law which is in force immediately before the appointed day in the whole or any part of the Punjab Province, and
- (b) every provision of an existing Punjab law which is in force immediately before the appointed day shall continue on and after the appointed day to have the same effect in respect of the whole or any part of the territories comprised in the new Provinces of West Punjab and East Punjab as it had immediately before the appointed day.

4. Whenever an expression mentioned in column I of the table appended to this clause occurs in any law which clause 3 applies, then unless the context otherwise requires, there shall be substituted, therefore, the expression opposite to it in column 2 or 3 of the said table, according as the law is being adapted for the purposes of application to the West Punjab Province or the East Punjab Province.

Table of General Adaptations

1	:	2	:	3
(a) Central Government.		Pakistan Government		Indian Government
(b) Punjab		West Punjab . .		East Punjab.
(c) Central Legislature..		Pakistan Legislature		Indian Legislature.

5. (1) The following provisions shall have effect, where any law which under this Order is to be adapted or modified has before the commencement of this Order been amended, either generally or in relation to any particular area, by the insertion, omission or substitution of words:-

- (a) effect shall first be given in the amending law to any adaptation or modification required by clause 4 of this Order to be made therein,
- (b) the original law shall then be amended, either generally or as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law or where any adaptation or modification has fallen to be made under sub-clause (a) in that law as so adapted or modified, and
- (c) all adaptations or modifications required by this Order to be made in the original law shall then be made in that law as so amended, except so far as in the case of any particular area they may be inapplicable.

(2) In this clause, references to the amendment of a law by the insertion or omission of words or the substitution of words do not include references of an amendment which is effected merely by directing that certain words shall be construed in a particular manner.

6. Subject to the foregoing provisions of this Order, any reference by whatever form of words, in any law in force immediately before the commencement of this Order to an authority competent at the date of the passing of that law to exercise any powers or authorities or discharge any functions, in any part of the Punjab Province, shall have effect:-

- (a) in West Punjab as if the references were to the corresponding authority, if any, constituted by or under the said Act in relation to Pakistan or West Punjab; and
- (b) in East Punjab as if the references were to the corresponding authority, if any, constituted by or under the said Act in relation to India or East Punjab.

7. The provisions of this Order which adapt or modify laws so as to alter the manner in which the authority by which or the law under or in accordance with which any powers

are exercisable shall not render invalid any notification, order, appointment attachment, by-law, rule or regulation duly made or issued, or anything duly done, before the commencement of this Order; but every such notification, order, commitment, attachment, by law, rule, regulation or thing shall have the like validity in each new Province as it had immediately before the appointed day and may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by a competent authority and under and in accordance with the provisions then applicable to such a case.

8. Nothing in this Order shall affect the previous operation or, or anything duly done or suffered under, any existing Central or Punjab Law or any right, privilege, obligation or liability already acquired, accrued or incurred under any such law, or any penalty, forfeiture or punishment incurred in respect of an offence already committed against any such law.

9. Any reference to the Lahore High Court in any law to which this Order applies shall include a reference to the High Court exercising jurisdiction in the West Punjab or as the case may be the East Punjab after the appointed day.

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The Punjab Partition (Payment of Pensions) Order, 1947

*Extraordinary issue of Punjab Gazette Lahore Wednesday August 13, 1947
Legislative Department Notification No. 499*

The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947 is hereby published for general information:-

Whereas the Punjab Province is to be divided into two new Provinces to be known as West Punjab and East Punjab respectively, in accordance with section 4 of the Indian Independence Act (10 and 11 Geo. 6, Ch. 30);

AND WHEREAS it is necessary to make certain provision for payment of pensions to pensioners of the Punjab Government to continue after the appointed day.

NOW, THEREFORE, in exercise of the powers conferred by (clause b) of sub section (1) read with sub section (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely:-

1. (1) This Order may be called the Punjab Partition (Payment of Pensions) Order 1947.
(2) It shall come into effect on the appointed day.

2. In this Order, unless the context otherwise require-

- (a) "the appointed day" means the fifteenth day of August, nineteen hundred and forty seven and

(b) "new Province" means West Punjab or East Punjab, as the case may be.

3. Every retired employee of the Punjab Province, who immediately before the appointed day was drawing a pension from the Punjab Province in respect of his service under that Province shall be entitled after the appointed day, to continue to draw his pension in the same manner and at or through the same treasury or sub-treasury.

4. Every such pensioner, who immediately before the appointed day drew his pension at or through any treasury or sub-treasury situated in an area comprised in the territory of one of the new Provinces shall be entitled, subject to the rules and regulations in force for the time being, to require that the place of drawal shall be transferred to a place of his choice situated in the area comprised within the territory of the other new Province.

5. In respect of all pensions to which this Order relates and of all pensions granted by either of the new Province on or after the appointed day, which have been earned wholly or in part by service under the Punjab Province the extent of the respective financial liabilities of the two new Provinces shall be settled between them by mutual agreement and such agreement shall be subject:

- (a) to modification, if and when a decision is reached on the subject of division of liability for pensions between the new Dominions of India and Pakistan, and
- (b) to any adjustment which may be rendered necessary by any transfers of place of drawal of pensions under clause 4.

NAWAB SINGH
Secretary to Government, Punjab
Legislative Department.

Chapter IV

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Sir Francis Mudie to Mr. Mohammad Ali Jinnah

I.O.R. MSS. Eur. F 164/15

No. 1
15th August 1947

Dear Mr. Jinnah,

I write to inform you that I was sworn in this morning at 11 a.m., and later swore in the four Ministers - Mamdot, Shaukat, Daultana and Karamat Ali. I did not, as I suggested in a previous letter, ask your advice as Mamdot had just come from Karachi, when I saw him yesterday morning for the first time.

2. The situation here is still very disquieting. Yesterday there seemed to be a danger of serious differences arising between the police, practically all of whom are Muslims, and certain Hindu troops, and even of their fighting one another. We therefore decided that there should be joint police and army patrol accompanied, wherever possible, by a Magistrate. This seemed to get over the difficulty, at least for the time being, and we have decided to continue this practice.

3. The League leaders' efforts yesterday to get their followers to abstain from attacks on the other side were to some extent frustrated by stories, about the truth of which I can give no opinion, that Hindu troops were firing indiscriminately at people in the streets. This was another reason why we decided on mixed police and military patrols.

4. This morning I am told the position has somewhat improved, though during the night there was a very serious incident in which a Gurdwara was destroyed and a number of Sikhs, put at between 13-22, were killed. This is said to have happened in fairly close proximity to a Muslim picket composed partly of police and partly of military. Inquiries are being made.

5. There is little news from outside Lahore. A serious incident is reported from the Gurdaspur, Sialkot border, where Muslims attacked a train and are said to have killed about 100 Hindus and Sikhs.

6. The situation is still very dangerous. The League leaders are trying again today to persuade the Muslims of Lahore to keep the peace, whatever the provocation may be.

7. But the destruction last night of the Gurdwara may lead to retaliation in Amritsar. The Sikh leaders, Tara Singh and Swaran Singh, are reported to be doing their best to pacify the Sikhs. I hope that they will succeed. If the peace can be maintained in Lahore and Amritsar, it will probably be possible to keep the other places in control.

8. I have arranged to go to Ambala on Sunday, 17th August, accompanied by Mamdot, Daultana and one or two officials to discuss the law and order problem with Trivedi and his Ministers. We will go by air and return the same evening. In this matter the Governments of East and West Punjab must certainly co-operate very closely.

9. The Governor of the Punjab used to send daily telegraphic reports on the situation to the Viceroy. In the changed constitutional situation it would seem to me to be more appropriate if in future these reports were sent by the Chief Secretary West Punjab to the Home Department of the Pakistan Government. I hope that you will agree. I propose, however, unless you wish it otherwise, to continue to write to you a fortnightly letter giving my views on the official reports. I think that this was useful as a method by which Governors can keep touch with the Governor-General and *vice-versa*.

10. In conclusion, may I thank Your Excellency for what you said about British rule in India in proposing the King's health at your banquet in Karachi? It was, if I may say so, very generously done and will be greatly appreciated by all those who like myself have spent their lives in service in this country. It will also be a great encouragement to those British officers now serving in Pakistan.

Yours sincerely,
Sd/-, R.F. Mudie

His Excellency Mr. Muhammad Ali Jinnah,
Governor-General of Pakistan,
Karachi (Sind)

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Informal Minutes of the Joint Defence Council Meeting at
11.45 a.m. on Saturday, 16th August, 1947.

I.O.R. R 3/1/171

1. The Supreme Commander said that he had visited Lahore on the 14th August and there met Sir Evan Jenkins and Major-General Rees. He had reached certain conclusions on the situation in the Punjab from the conversations which he had held and from intelligence reports which had been received. It appeared that there was no doubt that the strife in

Amritsar and the surrounding country had been started by the Sikhs. They were operating in armed bands of considerable strength and carrying out raids against Muslim villages, or mainly Muslim villages, or the Muslim parts of larger villages-three or four raids nightly. These bands were well organised and often included mounted men for reconnaissance purposes. One band was reported to have killed 200 Muslims in one village. There was reason to suspect, although full evidence was not forthcoming, that the subjects of certain Sikh States were assisting these bands. In a recent case of train wrecking which had been carried out by skilled wreckers using electric detonators, motor tracks led to the territory of a certain state. Although there were Muslim bands in the same area doing the same sort of thing, these were generally smaller and not so well organised. The Army had successful encounters with all the bands. However, the Army could not act unless a detachment met a band actually in the process of carrying out an outrage; and was therefore severely handicapped. In certain cases the bands had fought back using such weapons as mortars and light machine guns. In one case the Army had killed 60 members of a band who were in the act of murdering the inhabitants of a village.

2. The Supreme Commander went on to say that the troops were carrying out continuous active patrolling but their number were small for the area involved. There was no proper remedy unless the troops were permanently posted in every village and hamlet. In Amritsar city itself, there have been high casualties, mostly among the Muslims. This had been largely the result of the emasculation of the police force in the city. A new Hindu Superintendent had been posted there and disarmed the Muslim element of the police force. This man had since been replaced and the situation was somewhat better, but it was true to say that both in Amritsar and Lahore, the police as a whole were completely unreliable.

3. The Supreme Commander said that he had flown over Amritsar *en route*. There were houses burning in the city at the time. There were many villages in the vicinity which were completely burnt out. Others were still being attacked. The Army was in considerable strength in Amritsar itself. In Lahore the aggressors had been almost entirely Muslim. The action that he had taken was said to be in retaliation for the killing in Amritsar. Most of the victims were, of course, and Hindus. A very disturbing feature in Lahore was practical defection of the police, most of whom were Muslim. There was evidence that the police had joined mobs carrying out arson and murder. All European officers of the Lahore police had left on the 14th in accordance with the policy. The general morale and discipline of the police was extremely low. Therefore, the task of maintaining law and order devolved practically entirely on the army but for the presence of which there would be a complete massacre and arson all over the city.

3. The Supreme Commander stated that certain local Muslim Leaders were said to be attempting to suborn the Muslim soldiers in the same way as the police had been suborned. So far, these efforts had no effect and the soldiers were generally behaving with complete and exemplary impartiality. The Muslim League National Guards had not been helpful in Lahore and were said to have encouraged Muslim mobs. It was difficult accurately to assess the damage in Lahore, but this might be as much as 10% of the houses and 15% of the area burnt down. The Supreme Commander said that he had personally flown over

Lahore two or three times; 20 to 30 houses had been burning and there was a thick pall of smoke. There was practically nobody on the roads or the streets. There were houses burning in most of the villages round Lahore.

4. The Supreme Commander said that the civil casualties in the area covered by the Punjab Boundary Force were estimated at 1,500 killed and wounded. The troops themselves were believed to have killed and wounded over 200 people who had been engaged when in the act of murder. It was said that certain ex-members of the I.N.A. were involved in leadership of the gang in East Punjab. It was also said that ex members of the I.N.A. had been recruited in the police.

5. So far as communications were concerned, the usual police arrangements for the protection of railways had completely broken down. The only safeguard now in East Punjab and as far as Jhelum, was patrolling by troops. This was carried out so far as the number of troops available would allow. The sabotage was mainly done at night. There had been a derailment on the main Amritsar/Lahore line and all traffic had been suspended. The railway personnel were generally afraid to leave their families. The North-Western Railway had consequently suspended all goods traffic; and it was probable that all rail traffic would be suspended soon. This, of course, vitally affected the mobility of the Punjab Boundary Force. Also the reconstitution programme of the Army would be delayed. Certain movements had to be stopped that day.

6. The Supreme Commander said that the delay in announcing the Boundary Commission's award had a distinct effect as many rumours, mostly wild and many malicious, were being started and were leading to fresh trouble. The general position was extremely bad and getting worse. Trouble had spread the previous day to Sialkot and Gujranwala. The previous day a train had been held up and 100 persons killed and 200 wounded. Trains had been attacked at many different places. A large scale uncontrolled evacuation of Muslims from Amritsar district was in progress, and was beyond the control of any local authority.

7. With the agreement of the two Governments, it had been arranged for two more Infantry Brigades and one Mixed Squadron of Armoured Troops to go as soon as possible to reinforce the Punjab Boundary Force. These should be on the move that day but were coming from a long way away and might take several days to arrive. There was no prospect of any further reinforcements. Major-General Rees and his Brigade Commanders were doing all that was humanly possible.

8. The Supreme Commander reiterated that the troops had so far been impartial and well disciplined, despite the stories spread to the contrary by persons in responsible positions who should know better. Such stories did the greatest possible harm and could only have the result of affecting the troops. If this occurred, the situation would become terrible indeed. He was not prepared to contemplate it.

9. It was reported that the Muslim League Leaders in Lahore had said that they hoped

to be able to stop the trouble. It was hoped to arrange a meeting between the Muslim Leaders from Lahore and the Sikhs Leaders from Amritsar, and that both sides had expressed a will to implement reciprocating promises. Major-General Rees did not, therefore, desire to ask for martial law to be imposed at the present time. The imposition of martial law would require planning and the provision of extra officers. If it was imposed over the whole area, at least 200 more officers would be required; if in districts of Lahore Amritsar and Gurdaspur only, 50-60 more. Major-General Rees was flying to Ambala the following day to attend a meeting at which both Governors would be present. Major-General Hawthorn was attending on his (the Supreme Commander's) behalf.

10. So far as the air was concerned, Major-General Rees had asked that an extra Flight should be provided to be stationed at Lahore for Reconnaissance Duties and if necessary for psychological purposes. There was no question of using these aircraft for bombing and machine-gunning. He was asking the Air Commander-in-Chief, India, to provide a Flight which was at present at Peshawar.

11. *It was agreed* that the provision of this extra Flight was desirable.

12. The Supreme Commander said that he had also issued orders for extra mechanised transport companies of the Army to be made available because of the railway breakdowns.

13. Pandit Nehru asked whether there was a military escort on every train, and if so, why such massacres took place. The Supreme Commander explained that the gangs either got on to a train at a station with their arms concealed and then attacked suddenly; or put one man on the train to pull the communication cord at the spot where the rest of the gang was ready. It was impossible to provide more than six to ten soldiers as escort on each train. There had been cases when these had driven off the attackers but they had not always succeeded in so doing.

14. The Governor General pointed out Sir Evan Jenkins had always forecast a state of affairs similar to that just described by the Supreme Commander, and it was for this purpose that the Punjab Boundary Force had been formed. He said that he hoped that he had not made a wrong decision in deciding not to issue the Boundary Commission's award. The Supreme Commander said that he did not consider that this was a prime cause of the present disturbances, though it was certainly a contributory cause.

15. The Governor-General suggested that every political organisation which was controlled by the leaders at the Centre, must now be ordered to "get into full reverse." Pandit Nehru said that there could be no two views about this. "This must be put down and suppressed." "It is not merely a military matter. It is unfair to the military to claim that it is."

16. Mr. Liaquat Ali Khan gave his view that the Sikhs were responsible for the present situation-not Congress or the Muslim League. It was this one party-the Sikhs, over

which no one seemed to have any control. Matters had been settling down before the recent conflagration. Unless the Sikh Leaders now came forward honestly and sincerely, he did not see how the disturbances could be stopped except by brute force.

17. The Governor-General pointed out that the present series of disturbances had started on the 9th August, not only prior to the announcement of the Boundary Commission's award, but prior to the earliest date on which it could have been made public.

18. Sardar Patel said that it seemed clear that both parties were sufficiently armed. Were these arms of the type used by the Army?

19. The Governor-General said that some of these arms had indeed been stolen and sold-but not by the army. He pointed out that many arms had been left behind after the war, especially by United States Forces.

20. Sardar Patel asked whether it was true to say that the police in the Punjab as a whole, were mainly Muslim. The Governor-General confirmed that this was true. Efforts had always been made to keep the communal proportion equal, but the police was a volunteer force and Muslims had been much readier to volunteer. The Supreme Commander said that this was mainly for economic reasons and comparable to recruitment for the Army.

21. The Governor-General asked Sardar Baldev Singh whether he could interpret what the Sikhs were doing.

22. Sardar Baldev Singh claimed that the trouble in the Punjab had started in Rawalpindi in early March, and had been started by the Muslims. The Muslim League Leaders had then been asked to condemn these outrages, but they had refused to do so. Mr. Liaquat Ali Khan said that he could remember no such request.

Sardar Patel gave his view that there was no doubt that if the origin of the troubles was traced, it would be found that they started at Rawalpindi, Multan, Dera Ismail Khan and those areas, but it was equally definite that Master Tara Singh had recently made some highly indiscreet speeches. Agitation had also been stirred up by the comments of the Muslim League newspapers on the banning by the Punjab Government of the Nankana Sahab meeting. As a result of this, the Sikhs had started trouble in Amritsar and this had spread to Lahore. In Lahore all the police were Muslims. He had received a report that some of the Lahore police had gone to Amritsar, having been sent there fully armed by the Superintendent of Police of Lahore. They had been sent officially. Sardar Baldev Singh said that he phoned up the East Punjab Inspector General of Police who had confirmed that 43 of these men had been arrested in Amritsar. The Governor-General gave his view that it would be far more likely that they had gone without orders rather than officially sent.

The Supreme Commander said that he considered that incursions from one side to the other were likely to increase. The Governor-General suggested that there was only one way to control this, namely the imposition of martial law. He asked Field Marshal Auchinleck to explain the implications of this. The Supreme Commander stated that it would mean that the Commanders of troops on the spot would be empowered to give orders and

impose punishments, restrictions and limitations on their own authority. It all depended on the number of officers available to administer it. In the result the duties might well be mainly carried out by civil officials.

The Governor General suggested that it was profitless further to pursue the origins of the present disturbances. This was agreed. It was decided that the time had now come for concrete proposals as to how to deal with the situation since August 15th.

Sardar Baldev Singh said that one suggestion that had been made was that there should be a conference of the Ministers of the East and West Punjab. He had been told that they were going to Ambala the following day.

It was Agreed to send a message to the Governors of the East and West Punjab asking them to bring their full Ministries.

The Governor-General suggested that it might be of help if members of the 'High Command' also attended the meeting at Ambala. Perhaps the Prime Ministers of Pakistan and India might go but he understood that Sardar Baldev Singh had not claimed to be a party leader of the Sikhs. This Sardar Baldev Singh confirmed. The Governor-General pointed out that this created a great difficulty. Who was to speak on behalf of the Sikhs, who presented the most difficult problem? Who could issue an appeal on their behalf? Sardar Baldev Singh said that Master Tara Singh had issued a statement three or four days previously. Mr. Liaquat Ali Khan said that he considered that Mr. Tara Singh was himself responsible for the organisation for the present outrages. Sir Evan Jenkins had tried to get the Sikh leaders to issue a joint appeal with the Muslim League Leaders but without success.

Sardar Patel gave his view that no amount of martial law could bring the situation under control. If the two communities were so violently apart, they could not be brought together by force. The causes must be removed.

Sardar Baldev Singh declared that the Sikhs were prepared to co-operate. He produced a paper entitled "What the Police are doing in Gujranwala District", which quoted many outrages on Sikhs.

Pandit Nehru said that he considered that his Government's function in East Punjab was to try and control the situation as far as possible. He would get in touch with the various elements there. He was also trying to assert indirect influence over his people in West Punjab. But it was very difficult to exercise such influence unless things happened simultaneously. A joint approach was necessary. He, for his part, would try his best.

Mr. Liaquat Ali Khan said that he considered that it was absolutely necessary for the two States to maintain law and order. So far as the Pakistan Government was concerned, it would do everything possible. Pakistan was a new State and could not build itself up unless all communities co-operated. He suggested that the Joint Defence Council should give effect to whatever plan was proposed at the meeting at Ambala the following day. Both Prime Ministers should attend this meeting. *It was further agreed* that Sardar Baldev Singh should also go and that Master Tara Singh and Giani Kartar Singh should be invited to make themselves available. *It was agreed* that there would be first an informal meeting with Governors and Ministers present only, and that the two Sikh leaders should be brought into an informal meeting later. *It was agreed* that a communique should be issued on the results of the present meeting.

**Minutes of the Second Meeting of the Joint Defence Council Meeting
held in Government House on Wednesday 20th August, 1947.**

I.O.R. R/3/1/171

Secret

PRESENT

His Excellency the Governor General of India.
The Defence Minister, India.
High Commissioner Pakistan.
His Excellency the Supreme Commander.
Secretary Defence Department, India)
Secretary Defence Department, Pakistan)
Joint Secretaries.
Brigadier J.G. Elliot.
Lt. Col. Erskine Cumm.

ADDITIONAL ITEMS.

Item 1 Punjab Boundary Situation

His Excellency said that he was gratified at the result of the meeting held at Ambala on the 17th which seemed to have resulted in a general improvement. Commenting on the minutes of the meeting he said he was alarmed at the proposal to break up the Boundary Force. The object should be gradually to reduce the area in which it was operating, but until the situation had been cleared up it was essential to retain a force under joint control. He had noticed reference to a failure to pass information between military and civil authorities. The Supreme Commander said that this was entirely due to the irregularity of communications and not in any way to a military desire to withhold information. It was noted that civil officers were being attached to Gen. Rees for intelligence liaison duties.

The Supreme Commander reporting on the situation said that it seemed easier in Lahore and Amritsar and there was also a report of improvement from Sialkot and Gujranwala. The railway situation was a bit easier, but the protection of railways was imposing a heavy strain on the troops. In the Jullundur, Hoshiarpur and Gurdaspur rural areas the situation had deteriorated. There were reports that villagers had said that they had not heard the 'cease fire' orders. It was understood that Master Tara Singh was touring the rural areas in military transport instructing the inhabitants to be peaceful.

The Supreme Commander said that reports from military sources regarding the refugee camps, of which there were five or six in existence containing well over 100,000 refugees, were very disquieting. Conditions of life were bad, there were no tents, no medical arrangements and no sanitary arrangements and the danger of an outbreak of cholera must

be faced, The army would do everything it could to hold, and he had in fact already moved in one or two Sanitary Sections, but he emphasized that as a result of demobilization the army's resources were now very much restricted, and it was quite impossible to expect assistance on the scale given during the Bengal famine. The Director of Medical Services, Supreme Headquarters, was in the area and had been asked to make an independent report on conditions in the refugee camps.

It was mentioned that requests for tents had already been made through Army Headquarters India. The Supreme Commander pointed out that reserve stocks were still in his control, and that he would do everything to help. The Council agreed to accord approval to such measures as he considered necessary.

The Joint Defence Council decided that a letter should be written to the Prime Ministers of the two Dominions drawing their attention to the unsatisfactory conditions in the refugee camps recommending that they should give the matter their personal attention.

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Sir Claude Auchinleck to Lord Mountbatten

I.O.R. R/3/1/171

PERSONAL

D/o No. 80/4-1/1/47

Supreme Commander's Headquarters Delhi.
20th August, 1947

My dear Dideie

I enclose a letter I have had from Rees which will, I think, interest you.

I am sure that Rees is right and that any attempt to replace the P.B.F. by Dominion controlled forces forbidden to cross the common boundary would be likely to end in disaster and possibly in an open clash.

This is my opinion which is shared by Arthur Smith and Lockhart.

I have no wish to retain operational control of this very critical area a moment longer than is necessary, but I feel that there is no other alternative at present.

May I have Rees' letter back when you have read it.

Yours sincerely,
Sd/- Claude

His Excellency The Earl Mountbatten,
K.G., G.M.S.I., G.M.I.E., G.C.V.O., K.C.B. D.S.O.,
Governor-General of India
Government House,
New Delhi.

Enclosure to 157

Copy
DO/TWR/450

Headquarters
4th Division.

From: Major General T.W. Rees,
C.B., C.I.E., D.S.O., M.C.,
Commander Punjab Boundary Force,
Lahore Cantt.

17th August, 1947

My dear Field Marshall,

Thank you very much for your kind letter d/o No. 80/M-4/R47 of 14/15th August, 1947.

It is good and encouraging, to all P.B.F. officers and men, and to me personally, to know that we have your confidence and your backing. I will do all that lies in my power to see that we carry out our task as you would wish us to.

The C.G.S. will have given you an account of to-days Ambala Meeting. He was superb and handled the Army case magnificently. The hard truth is that without the neutral I.A., the P.B.F., the slaughter and terror would have been desperate and completely out of control; and it would almost certainly develop that way if any attempt were made to withdraw us before things have a chance of settling down and both Governments get into the saddle. At present, too, we are the only people who provide a good link between the two Provincial Governments; and the Refugee Problem would never even take shape satisfactorily without our good offices.

We are having heavy communal propaganda levelled at our officers and men as well as against us as soldiers, but I am combatting it through ICO's, Subedar Majors and VCO's. And they and the men realize and agree that unlimited bloodshed and terror would have been reigning in the Central Punjab to-day if they were not standing fire and rock like, as the united I.A. always has, when called on.

It was good to see you the other day and I am glad that you were able to see Sir Evan Jenkins too, and to get his views.

Again, thank you for your encouragement. You can rely on us to do our damndest.

Yours,
Pete.

Field Marshal Sir Claude Auchinleck,
GCB, GC IE, CSI, DSO, OBE,
G.H.Q., New Delhi.

B.S. Grewal, D.C. Rohtak to Commissioner, Ambala Division

P.B.R. C.F. 339-ER-47-pages 1-2.

From

B.S. Grewal, Esquire, I.C.S.,
Deputy Commissioner,
Ambala.

To

The Commissioner,
Ambala Division,
Ambala Cantt.

No. 415-S.T. dated, Ambala City, the 20th August, 1947.

subject: *Communal situation.*

Memorandum:

A communal riot broke out in Abdullapur on the 18th August, 1947. The origin of the riot was the circulation of a rumour that the Muslims had slaughtered a cow in celebration of the Id. It is stated that one of the Hindus questioned a Muslim butcher on the point who is said to have attacked the former with a lathi. Both sides raised an alarm and collected crowd of sympathisers from amongst their co-religionists. Some of the saner elements, particularly the Managers of the three Mills in Abdullapur tried their best to pacify the crowds, but they were lured away outside the town by the false news that rioting had broken out in nearby village. While the sensible people were trying to investigate the truth of this story, some mischief mongers set fire to Muslim shops and houses including the newly constructed Jamma Masjid at Abdullapur. This was followed by a wholesale attack on the minority of Muslims in Abdullapur, many of whom were assaulted and stabbed. Some glass panes of the mosque were smashed and attempts were also made to set fire to it.

2. The first information of this disturbance was communicated to me over the telephone at 6 P.M. and I despatched the sub-Divisional Officer, Rupar, immediately with an armed police reserve. He reached there about 8 p.m. and immediately busied himself with the task of extinguishing the fires which he accompanied by 1 a.m. Early in the morning, the Supdt. of Police was sent with two military platoons. I myself reached the spot about 1 p.m. after administering the newly prescribed oaths to gazetted officers. One of two fires were still kindling and I had them extinguished. My enquiries revealed that seven persons had been killed and another severely injured and admitted as indoor patients in the Civil Hospital, Jagadhri - all Muslims.

3. The victims of the attack were Muslims and they suffered heavily. It was freely suggested that some more Muslims had been killed and thrown into the Western Jumna Canal. Very few of them were to be seen at Abdullapur and those that were, were panicstricken. I called a meeting of the leading men of all communities and rebuked the non-Muslims for their maltreatment of the Muslims and advised them to bury the hatchet and live as friends and brothers. Orders were also given for the prosecution of the persons arrested at or near the spot and suspected the complicity in the murders and assaults. A curfew was imposed and day and night patrolling of streets by the Police and Military ordered. One regrettable feature of the entire episode was the very strong anti-Muslim feeling, both among officials and non-officials. There was almost a tendency to extol the misdeeds of mescreants and justify the ill luck that had befallen the Muslims.

4. While I was still at Jagadhri, I was informed over the telephone that some miscreants had placed two bombs in Nishat Cinema, Ambala Cantonement. Soon after placing these bombs, an alarm was raised which led to the evacuation of the cinema and the recovery and removal of the bombs to the Police Station. I examined them this morning; both of them were military hand grenades of the type originally found in the mosque at Ambala Cantonement, and the kind that exploded on the night of the 15th August causing three deaths and injury to 15 persons. It seems that a gang is at work, as the *modus operandi* is the same in each case. The object seems to be to create more alarm and panic than actual physical damage.

Sd/- B.S. Grewal,
Deputy Commissioner,
Ambala,

No. 415-S.T./A

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Note for Joint Defence Council

Broadland Archives
File D/268

SECRET
Immediate

No. 52. J.D.C./47
Joint Defence Council Sect.
New Delhi, the 27th August, 47.

In continuation of this Sectt. N. 10-J.D.C./47 dated the 26th August 1947, the undersigned is directed to forward a "Note for the Joint Defence Council by the Supreme Commander on the future of the Punjab Boundary Force (Item No. XV) which will be considered by the Council at its meeting to be held this evening at 6 p.m. at Government

House.

Sd/- (P.N. Kirpal) Ltd. Col.
Committee Secretary
for Joint Secys., Joint Defence Council
(Tel. No. 2464 Room No. 127-A, South Block)

To His Excellency,
The Governor General of India

Enclosure to 159

Top SecretBroadland Archives

Item No. XV - Note for the Joint Defence Council by the Supreme Commander on the Future of the Punjab Boundary Force.

1. Present Situation

Whereas the situation in certain towns may be improving the general situation in rural areas of the Boundary Force continues to deteriorate. The disturbances have also spread to areas outside the Punjab Boundary Force area which the Commander of the Boundary Force has no means of controlling. For example 70% of the major attacks on railway trains have occurred outside the Punjab Boundary Force area.

The refugee problem has increased to such proportions that the Civil Governments can no longer control it; in fact Civil Government itself appears to have ceased to exist in Eastern Punjab.

Road and railway communications between India and Pakistan have been interrupted to such an extent that reconstitution has practically come to a standstill and Pakistan nationals and property can no longer be moved from India to Pakistan and there is no prospect of their being able to do so.

The Commander of the Punjab Boundary Force has become so involved with political questions and administrative problems on a high level that he is no longer able to devote his time to his proper tasks. He is continually receiving requests from Ministers and officials and others of all grades of both Dominions which are not consolidated by the Joint Defence Council or the Supreme Commander and are quite beyond the scope of his original instructions to aid the civil power in the maintenance of law and order.

In fact the position of the Commander of the Punjab Boundary Force has become impossible. Moreover he reported a few day ago that owing to the extraordinary circumstances in which they found themselves situated and the very great strain imposed upon them by the circumstances in which they were being called upon to aid of the civil power the Indian Officers and men had become inevitably affected with the communal virus. He anticipated that this deterioration would increase rapidly and stated his considered opinion that he would be unable to guarantee the reliability and general impartiality of the troops

under his command beyond the middle of September. This is an extremely serious statement for a commander to make and full weight must be given to it.

2. The Object

The aim of all concerned must now be to find a way in which to restore law and order in the area and prevent an open clash between the troops of the two Dominions the likelihood of which cannot be ignored if the existing state of affairs is allowed to continue.

3. Future Policy

It is apparent that the time has now come for the Punjab Boundary Force to be closed down and the Boundary Force area to be handed over to the two Dominion Governments as the task for maintaining law and order has assumed proportions out of all recognition to those visualized when the Force was constituted.

The task is one which must be undertaken by the two Dominion Governments with the forces at their disposal and with the advice of their Cs in C. No neutral or outside agency operating as the agent for the two Dominions can perform this task for the reason that his discretion and powers must perforce be limited and cramped by the very fact that he is agent and not a principal.

4. Action Recommended

It is recommended that without delay all Units of the Punjab Boundary Force allotted to India should be located on the Indian side of the inter Dominion Boundary and Units of the Pakistan Army on the Pakistan side of the Boundary.

Some of the Units of the India Army are purely India Units and their reallocation presents no great difficulty. The majority of Units, however, of India and all major Units of Pakistan are mixed containing Muslim and non-Muslim sub-units. The separation of these Units is more complicated and it will be most inadvisable that India Units should contain their Muslim sub-units when they have crossed into India and vice-versa. It will be necessary to sort out these Units before they move and provisional measures to affect this are being worked out and can be put into effect as soon as the two Dominion Armies have agreed to them.

Before this process starts and it should start within the next few days it will be necessary for each Dominion to set up on its own side of the border a new Military HQ to control the zones which have hitherto formed part of the Punjab Boundary Force area. In the case of India it would appear that 4 Div. HQ now functioning as the Punjab Boundary Force HQ should undertake this task, but, it may be necessary for Pakistan Army HQ to improvise an Area HQ to control its zone. These arrangements are, however, a matter for the two Governments to decide in consultation with their Cs in C. Supreme Commander's HQ will naturally give all the assistance in its power to enable the separation of the two Armies and the setting up of the two Headquarters to be effected as rapidly and smoothly as possible.

It is necessary to add that during this delicate process of the separation of the soldiers

of the two armies there is a definite risk that communal clashes may occur between them and therefore the closest supervision will have to be effected during this operation.

5. *Other Suggestions*

It has been suggested that in the event of action being taken as above there should be a neutral zone of arbitrary width of say about 5 miles between forward posts of the troops of the two Dominions so as to lessen the possibility of clashes occurring between them.

It has also been suggested for the same reason that the HQ of the two Dominion Boundary Forces should be located in the same place and work in close and continuous physical collaboration with each other.

A further suggestion has also been made that the Commander on the India side of the Boundary should have control over the India States.

These are however matters for the two Governments to decide in consultation with their Cs-in-C.

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High Commissioner for India , Lahore to Pundit Jawahar Lal Nehru

File D/268, Broadland Archives

Telegram O.T.P.

From: High Commissioner for India Camp Lahore.

To: Foreign, New Delhi.

No. Nil.

Dated 27th (Recd 28th) August 1947

TOO 1155

TOR 0700

MOST IMMEDIATE

Personal for Pandit Jawaharlal Nehru. Attitude of Provincial Government and Boundary Commission Force most unhelpful. They are not prepared to do anything. They only say that everything possible is being done and repeat that conditions in East are much worse and have their inevitable reactions here which they cannot prevent. REES expects wholesale slaughter of Sikhs if conditions do not improve in East Punjab immediately. This morning important Conference held at Government House where Lady Mountbatten, AMRIT KAUR, Provincial Ministers, GAZANFAR ALI, Governor MUDIE and myself were present. Mudie is sending a note with Amrit Kaur. It is clear that transfer of population is inevitable and absolutely essential if major disasters are to be avoided. CHAMANLAL fears not without reason that holocaust at SHEIKUPURA will probably be repeated in many other mofussil areas in Western Punjab and that 40,000 lives are in danger during next 48 hours. Government House Conference definitely felt that such transfer of population should

take place. This should be published and would stop indiscriminate murder and arson. Neutral Army should be on border helping transfer while troops should protect the minority population in various places.

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**Minutes of the sixth meeting of the Joint Defence Council held at
Government House, Lahore, on 29th August, 1947.**

Filed/268 Broadland Archives.

Secret

PRESENT

His Excellency the Governor General of India.
His Excellency the Governor General of Pakistan.
Prime Minister of India.
Prime Minister and Defence Minister of Pakistan.
Defence Minister of India.
Communications Minister of Pakistan.
His Excellency the Governor of East Punjab.
His Excellency the Governor of West Punjab.
His Excellency the Supreme Commander
Commander-in-Chief, India Army.
Commander-in-Chief, Pakistan Army.
Commander, Punjab Boundary Force.
Deputy Chief of General Staff, Supreme Commander's Headquarter.
Secretary-General, Pakistan Government.
Secretary, Defence Department, India.
Secretary, Defence Department, Pakistan.
Principal Private Secretary - designate to the Prime Minister of India.
Conference Secretary to Governor-General of India.

Item 1: The Future of the Punjab Boundary Force

The GOVERNOR GENERAL OF INDIA made it clear that he was present at the meeting in his capacity of independent Chairman of the Council, and did not intend in any way to speak for the Dominion of India.

The meeting considered a paper prepared by the Supreme Commander and handed round at the meeting, on the future of the Punjab Boundary Force.

The GOVERNOR GENERAL OF INDIA explained that this paper had been initiated as a result of views put forward at previous meetings by Ministers of India and Pakistan. The main recommendation contained therein was that the Punjab Boundary Force should be abolished and that the two Governments should assume direct military responsibility for

their respective parts of the Punjab. He said that a meeting of the Joint Defence Council held the previous evening had decided to recommend that the military headquarters to be set up by the two Governments should both be located at Lahore. He was personally strongly in favour of this arrangement, as it would make for close liaison, which it was to be hoped, would in its turn result in an avoidance of incidents between the armed forces of the two Dominions. If once such incidents were allowed to start, there was the extreme danger that they might prove to be the first step towards war. However, if both military headquarters were established in Lahore, there would have to be the closest liaison between the headquarters of 4th Indian Division (which would command the India troops) and the East Punjab Government.

The COMMANDER, PUNJAB BOUNDARY FORCE, drew attention to necessity for freedom of movement and protection to be assured to the personnel and transport of Headquarters 4th India Division in West Punjab.

The SUPREME COMMANDER stated that the Punjab Boundary Force could be disbanded, and the new arrangements brought into effect, from midnight 31st August / 1st September. The process of splitting mixed units could also be carried out to a very great extent by then.

IT WAS AGREED:-

- (i) to approve the proposals in the Supreme Commander's paper on the future of the Punjab Boundary Force.
- (ii) that the new arrangements detailed in this paper should come into effect from midnight 31st August / 1st September;
- (iii) that Headquarters Lahore Area and Headquarters 4th Indian Division should both be located at Lahore;
- (iv) that Commander 4th Indian Division and the Governor of East Punjab should make arrangements for the closest possible liaison between themselves;
- (v) that the Government of West Punjab would assure freedom of movement and protection to the personnel and transport of Headquarters 4th Indian Division in West Punjab.

Item 2 : The Guarding and Welfare of Refugees

The Governor-General of India raised the question whether troops of one Dominion should be lent to the other Dominion for the protection of refugees in camps and convoys. He pointed out that the disadvantages to this course were that clashes between the two armies might take place. As an example, Pakistan troops might be employed guarding a convoy of Muslim refugees in India; and attack might be made on this convoy; Indian troops might appear on the scene; and fighting between the two lots of troops might result. On the other hand, it was certain that, if no arrangements were made to guard refugees by troops of their own community, terror would strike the minorities.

During discussion on the risks involved by such a loan of troops, the opinion was generally expressed that, whereas these risks definitely did exist owing to the increase of communal feeling in the Army, they should be accepted as the lesser evil. The Prime

Minister of India stressed the psychological aspect of providing protection which ensured confidence in the minds of the refugees themselves. He instanced an occasion when there had been panic among the refugees in the camp at Wah when a purely Muslim guard was put on to protect them.

The Governor of West Punjab expressed the hope that the number of Sikh soldiers employed on the guarding of refugees in his Province would be reduced to the minimum, and that the Baluch Regiment should if possible not be so employed.

The Governor of West Punjab asked whether these arrangements for the guarding of refugees by troops of their own community would extend outside the two military Areas which were to be set up. The Governor General of India suggested that no rule debarring this should be made; that each case should be considered on its merits; and that instances should be kept down to the minimum.

The Prime Minister of India pointed out that these proposals did not include arrangements for the protection of refugees on their way to refugee camps. The Commander, Punjab Boundary Force, agreed and said that he regarded this period of movement to the camps as the most dangerous for the refugees, but that with existing forces guards could not cover the co-ordinated movements of refugees.

The Governor-General of India suggested that the staff of the Refugee Commissioners in each Dominion should be increased, so that they could send representatives in pairs to refugee centres in both East and West Punjab.

The Prime Minister of Pakistan expressed the hope that, as the general situation improved, those gathered in refugee camps would return to their homes. For this reason, and because the numbers who had already crossed the border were so large, he trusted that the scale of evacuation would reduce. He suggested that refugees in the smaller camps should be gathered together into larger ones.

IT WAS AGREED:-

- (i) that troops of one Dominion would be loaned to the other Dominion for the guarding of refugees;
- (ii) that these troops would be under the command of the military commander in whose area they were located;
- (iii) that the number of troops so to be loaned would be kept to the minimum and given the duty of "close guard" of refugees only; the number to be loaned would be agreed between the two military Area commanders; they might be employed outside the "boundary" AREAS, but only in essential cases;
- (iv) that both governments should issue a public appeal to the minorities in their areas not to move except under Governmental auspices and proper guards;
- (v) that both Governments should increase the staffs of their Refugee Commissioners, so that representatives of both Dominions might be stationed at refugee centres in both Provinces, to take all possible steps towards the well-being and safety of refugees.

Item 3 : The Property of Refugees

IT WAS AGREED:

- (a) that each Government should appoint a Custodian of Refugees' Property; and that they should make arrangements for close liaison between these Custodians;
- (b) that the Governments should publicly re-iterate their policy that the illegal seizure of property would not be recognized.

Item 4. The Use of Aircraft

THE GOVERNOR GENERAL OF INDIA said that he had received a telegram from the Prime Minister of Pakistan advocating the operational use of aircraft against armed bands. A particular way in which aircraft might be of assistance was in the protection of refugees on their way to refugee camps.

The GOVERNOR GENERAL OF PAKISTAN laid particular stress on the deterrent effect and the reconnaissance value that a wider use of aircraft would have.

The COMMANDER, PUNJAB BOUNDARY FORCE instanced the protection of railways as a particularly valuable task for aircraft.

IT WAS AGREED:-

- (i) that greater use should be made of military aircraft in both East and West Punjab in order to assist the land forces to keep the peace;
- (ii) that the Defence Ministers of India and Pakistan should examine the provision of aircraft reinforcements for the Punjab as a matter of urgency.

Item 5. Measure against Armed Bands

The Governor General of India recalled that it had been agreed at a Cabinet Meeting of the Interim Government not to tolerate "private armies". He suggested that all "Home Guard" or similar organizations should be put under the orders of the police force or otherwise disbanded. The question also arose whether the wearing of uniform by persons other than members of recognized organizations should be allowed. Cases had occurred of men dressed in military uniform, carrying out crimes, being taken as soldiers, with consequently detriment to the reputation of and confidence in the Army.

During discussion on this point it was pointed out that, whereas an ordinance banning the wearing of uniform by unauthorized persons would undoubtedly be advantageous in many respects, the present shortage of cloth precluded this, as many ex-servicemen relied upon the suit of uniform given them on demobilization as their only means of clothing themselves.

IT WAS AGREED:-

- (i) that each Government should establish Concentration Camps wherein members of

- armed bands found in either territory would be detained;
- (ii) that it should be publicly announced that armed bands found in the process of committing crimes were liable to be shot on sight.

Item 6. Situation Reports

IT WAS AGREED:-

that, subsequent to the setting-up of the two new military headquarters, they should issue joint situation reports for circulation to the governments concerned.

Item 7. Leaflets

IT WAS AGREED: -

that the Secretary General of the Pakistan Government and the Principal Private Secretary -designate to the Prime Minister of India should draft, for the approval of the two Prime Ministers, leaflets to be dropped on East and West Punjab, containing reassuring messages to the minorities.

Item 8. The Press

The GOVERNOR GENERAL OF INDIA emphasized the desirability of letting in the light of true publicity on present events in the Punjab, with a consequent suppression of the present spate of rumours which were circulating.

IT WAS AGREED :-

that a Press Camp should be set up at Lahore, and that further facilities should be given to press correspondents; those correspondents who decided to take advantage of this hospitality and these facilities should be invited to submit their reports to a Public Relations Committee consisting of representatives of India and Pakistan; similar arrangements should apply to radio correspondents.

Item 9. The Transfer of Government Employees

The PRIME MINISTER OF INDIA stated that 400 employees of the East Punjab Government were stranded in West Punjab. The GOVERNOR OF WEST PUNJAB said that the two Provincial Governments had already decided on the grant of further facilities for the transport of these persons.

The Prime Minister of Pakistan raised the question of the 6,000 Pakistan Government employees who were still stranded in Delhi.

It was stated that provisional arrangements had already been made for the lifting of 2,000 of these by air to Lahore. It was suggested that railway personnel, who were most needed, should be sent by air. They would be able to take only 20 lbs. of baggage

each.

The Prime Minister of Pakistan requested that special protective arrangements should be taken for these 6,000 employees in Delhi. The Prime Minister of India agreed that it was the responsibility of his Government to ensure this protection.

IT WAS AGREED: -

- (i) that the Governors of East and West Punjab should further discuss arrangements for facilitating the transfer from West Punjab of the East Punjab Government employees who were stranded there;
- (ii) that arrangements should be made for the transport by air from Delhi to Lahore of approximately 2,000 of the 6,000 Pakistan Government employees stranded in Delhi; that these aircraft would be available to bring back to Delhi refugees or other persons from Lahore; that the remainder of the 6,000 Pakistan Government employees, with all the heavy baggage, should follow later by train; and that the Government of India recognised its responsibility for the safety of these Pakistan Government employees whilst they were in Delhi.

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Joint Statement of Pandit Jawahar Lal Nehru and Liaquat Ali Khan

File D/268, Broadlands Archives

TO THE PEOPLE OF EAST AND WEST PUNJAB

The Punjab was peaceful and prosperous only a short while ago. It is now witnessing scenes of horror and destruction and men have become worse than beasts. They have murdered their fellow beings with savage brutality and have spared neither women nor children. They have burnt houses and looted property. Even people fleeing in terror have been butchered.

2. This is resulting in incalculable injury to West and East Punjab and all who live there. No possible good can come from it to any community. Indeed Sikhs, Hindus and Muslims in the Punjab have all suffered terribly.

3. The Ministers and leaders of the two Dominions as well as those of West and East Punjab have recently met and declared their firm intention of putting down this lawlessness and crimes. Further they have declared that it is the sacred duty of the majority community in each area to safeguard and protect the minorities there. This duty is not only a moral duty and enjoined by all religions, but is also essentially in the interest of the States.

Hindu, Sikh and Muslim leaders have all in pursuance of this appealed to their co-religionists to refrain from violence and disorders and to end immediately the insecurity that is ruining the Punjab. They have declared that they are determined to leave no stone

unturned to ensure that law and order are restored quickly and all people can live in security.

4. From the 1st September, the Pakistan and India Governments have taken over in West and East Punjab respectively the full military responsibility for law and order which previously was vested in the Punjab Boundary Force.

5. The two Governments have decided to take the most drastic action against those who are disrupting law and order. All the powers of Government will be used in full force against the law breakers. In particular armed bands will be captured and put into concentration camps. Bands caught in the act of committing crime will be shot at sight. the two Governments will see that its orders in this respect are fully carried out by their officials.

6. Both Governments have also decided to take the most urgent steps to look after the unfortunate refugees. Refugee camps will be protected by military guards in whom they have confidence; Muslim refugees camps by Muslim troops and non-Muslim refugee camps by non-Muslim troops. The same policy will be followed in the matters of escorts. No obstruction of any kind in the movement of refugees will be tolerated.

Both Governments have taken it upon themselves to feed the refugees and to provide the necessities of life. Refugee Commissioners have been appointed and a complete organisation is being rapidly set up for the purpose by each Government.

7. Illegal seizures of property will not be recognised and both Governments will take steps to look after the property of refugees and to restore it to its rightful owners. Each Government is appointing a Custodian of Refugee Property.

8. Both Government are thus devoting all their energies to the task of restoring peaceful conditions and protecting the life, honour and property of the people. They are determined to rid the Punjab of the present nightmare and make it at once again the peaceful and happy land it was.

JAWAHARLAL NEHRU
LIQUAT ALI KHAN

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Dr. Gopi Chand Bhargava to Pandit Jawahar Lal Nehru

P.B.R. C.F. 677-ER-48, Page 4, Vol II

I have received complaints of atrocities and excesses committed by Muslim probably Baloch Military both in Jullundur and Gurdaspur Districts. In Jullundur District Kartarpur, Adampur and Thindaur Police Stations are affected.

This Military ought to have been withdrawn on night of 31st. But they are still on duty to maintain law and order. When they begin to disturb it, it becomes impossible to maintain

it. I have been trying to send my co-workers to these areas to preach peace. It is impossible for them to do anything.

A magistrate in Gurdaspur has been reported to be killed and Military helps these excesses. If Magistrates and Police are killed who will maintain peace?

I would, therefore, suggest that you wire General Rees, as well as C-in-C to withdraw this Military from law and order side. As for protection of Camps of refugees such Military has to be employed under Indian Army Command as would be called by them. If those who protect camps begin to attack our nationals, we won't be able to maintain law. Attacks would begin on Muslims.

Sd/- Gopi Chand.

4.9.47

Pandit Jawahar Lal Nehru
Prime Minister of India,
New Delhi.

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Sir Chandhi Lal Trevedi to Swaran Singh

File D/269, Broadland Archives

Secret & Immediate

Camp Jullundur
4th September, 1947.

My dear Home Minister,

You know that I have made no secret of the fact that the problem of restoring law and order in East Punjab is very largely one of putting a stop somehow or the other to the activities of the Sikhs. There is undoubtedly an organisation behind these activities. Sikh leaders like Master Tara Singh and Giani Kartar Singh have, I know, been doing quite a lot for the restoration of peace, but I am not at all sure whether their propaganda has reached the interior in all districts or has really gone home to what we might describe as low-level leaders in tehsils or villages. My information is that *Jathas* are getting bigger and more organised. There are only two ways of dealing with these activities, namely either propaganda or vigorous police and military action. It is most important from all points of view to achieve results immediately, for unless we check these activities I am sure the situation will be much worse than it is at present. This is no time for complacency and we as a Government have a duty to discharge and also to impress upon our officers the vital necessity of taking stern and immediate action. Obviously if the Sikh themselves cry a halt - and I think they can do so if they are really so minded - that of course is the best solution, but failing that there will be no other alternative but to set the whole of the police and military machinery in motion. I would beg of you to treat this matter with the seriousness it demands and I request that the Honourable the Prime Minister and yourself should discuss it with me

today. I am sending a copy of this letter to the Honourable the Prime Minister.

Yours sincerely,
Sd/- C.M. Trivedi

The Hon'ble Sardar Swaran Singh
Home Minister, East Punjab,
Camp Jullundur.

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Sir Francis Mudie to Mr. Jinnah

IOR MSS Eur F164/14

No. 2
Government House, Lahore
5th September 1947

Secret

Dear Mr. Jinnah,

Many thanks for your letter of 20th August, which arrived just after you left on Monday. I will certainly write to you more often than once a fortnight to keep you in touch with the situation here. I will also, as you asked me to, write quite frankly.

The law and order position here has improved very definitely, but there are still great dangers. I got a telephone message from the Commissioner Multan last night that Muzaffargarh was giving trouble, and Dera Ghazi Khan is still disturbed. I think that the raiders took a pretty severe knock. There was serious trouble in Jhang, due partly at least I think, to the incapacity and low morale of the Deputy Commissioner, but it seems to be quiet now. I am apprehensive about Lyallpur. In the next two days I am visiting Multan, Lyallpur and Jhang. I had hoped to go to Dera Ghazi Khan, but cannot get a light aeroplane, which is the only way of getting there quickly. So I have asked the Deputy Commissioner to meet me in Multan and bring the Nawab Leghari with him, if he can. I expect trouble in all the western districts.

The refugee problem is assuming gigantic proportions. The only limit that I can see to it is that set by the Census Reports. According to reports the movement across the border runs into a lakh or so a day. At Chuharkana in the Sheikhpura district I saw between a lakh and a lakh and a half of Sikhs collected in the town and round it, in the houses, on the roofs and everywhere. It was exactly like the *Magh mela* in Allahabad. It will take 45 trains to move them, even at 4000 people per train; or if they are to stay there, they will have to be given 50 tons of *ata* a day. At Govindgarh in the same district there was a collection of 30,000 or 40,000 Mazhabi Sikhs with arms. They refused even to talk to the Deputy Commissioner, an Anglo-Indian, who advanced with a flag of truce. They shot at him and missed. Finally arrangements were made to evacuate the lot. I am telling every one that I don't care how the Sikhs get across the border; the great thing is to get rid of them as soon

as possible. There is still little sign of the 3 lakhs Sikhs in Lyallpur moving, but in the end they too will have to go.

The most serious recent development is the very rapid deterioration in the reliability of the Army. Yesterday Pathans in a Frontier Force Rifle battalion in Gujranwala seized their arms and established a road block on the main road, and their officers could do nothing with them. Brigadier McDonald, who belongs to the Regiment and can talk Pushto, was sent out this morning and the situation is now under control. I do not know quite what the mutiny was about. I imagine that the real trouble was that the Commanding Officer is a *bania* and the Second in Command a Sikh: All the Hindus and Sikhs of the Battalion are being sent today across the border. The Muslims will, as soon as possible, be sent to Jhelum. Anyhow this and other incidents - I understand that things are worse in this respect in the N.W.F. Province - have convinced the Military that their own non-Muslim troops are number one priority for evacuees. And yet a proposal was seriously put forward that the Military should take over our police.

I am getting very doubtful - and so is the General - whether the plan of protecting evacuee camps by troops of their own nationality will work in practice. But we will have to try it and keep the two armies absolutely apart. I think that we could secure the safety of non-Muslim camps in the East would be safe with a Sikh guard. So we will have to do our best to work the scheme on our side in order to keep it going on the other.

From various sources I hear that the political situation is deteriorating. Yesterday there was a minor refugee demonstration with shouts of 'Pakistan Murdabad'. I am told that Shaukat is afraid to show his face in the Muslim Refugee Camp here. I warned my ministry about a week ago that on a large scale it is always the Government that gets the blame. At first they were inclined to attribute any unpopularity they may have sensed to the machinations of Firoz, Khaksars, etc. This was mere self delusion and very dangerous. This feeling of resentment against things in general and against the Government in particular is bound to grow. The ways in which as far as I can see, it can be countered are (i) propaganda reiterating what Government is doing for the refugee, and (2) an efficient administration.

Efficiency with my present staff is out of the question. We have one Financial Commissioner, instead of a normal two or three, and our present one, Akhtar Husain, though loyal and a good technical revenue officer, is certainly not capable of doing two men's work. Out of three Commissioners of Divisions we have only one, and he is, from all accounts, hardly up to his job. Out of five D.I.Gs Police we have only three and two recently joined are outsiders, one from U.P. and one from C.P. Finally, to crown all, we have no Chief Secretary - the Finance Secretary, a mediocre officer, is supposed to be doing both jobs. In all these matters the Ministry had to adopt the attitude of the ostrich. They have got a 'new scheme' by which no Chief Secretary is required; the senior departmental Secretary to Government apparently is called Chief Secretary and draws the pay. The shortage of Commissioners is to be met partially by abolishing the post of Commissioner of Lahore.

I have not yet troubled them on the subject of the Chief Secretaryship, but on the general question of staff and incidentally, that of the Commissionership of the Lahore Division I called in Liaquat and Muhammad Ali and had a joint meeting with them and my Ministers. Largely by Liaquat's help I got the Ministers to agree to our trying to get back a number of ex-Punjab and ex-U.P. British I.C.S. officers and to the retention of the Lahore Division. Shaukat was a bit difficult, I don't quite know why.

We had, from our point of view, a successful meeting with Nehru, Patel and Co on Wednesday. Your Ministers and we had the day before drawn up a paper on Refugee policy, which went through after about four hours' rather desultory talk with only drafting amendments. The main fight was over certain proposals of East Punjab by which their troops or officers would be allowed to enter West Punjab on various pretexts. Finally I had it conveyed to Nehru that the conference would break down unless they gave way, which they did. I enclose a copy of the final paper for Your Excellency's information. (It is not there in the papers. Ed.)

Patel kept silence for the first three hours and then said that we were all wasting our time and delivered a lecture on how things should have been done months ago. According to Liaquat the mistakes which he claimed had been made were largely due to his own attitude in the Partition Council. He was really getting at Nehru, who sat with closed eyes, half asleep. After the meeting, when my A.D.C. was waiting to show Trivedi and Patel into their car, he heard the following conversation—

Trivedi — "Pandit Ji looks quite done up."

Patel — "So he deserves to be, flying all over the country and making fools of us all."

I hope that we have now seen an end of the visits to this Province and his fellow politicians. By his hectoring manner he did considerable damage to the morale of the district administration of Sheikhupura. Besides he brings newspapermen like Durga Das with him. I hope that it will be possible to prevent further visits to Lahore.

This all sounds very gloomy, but we are all in quite good heart. Moss and Amin-ud-Din are pillars of strength. If we can get some of our old officers back, the whole situation will change.

I do not know whether I have addressed you in this letter as you wish to be addressed. If not, will you please let me know?

Yours sincerely,
Sd. R.F. Mudie

His Excellency Qaid-i-Azam Muhammad Ali Jinnah
Governor-General of Pakistan, Karachi.

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Situation of West Punjab as Reported by I.G. Police East Punjab

P.B.R. C.F. 672-ER-48 pages 103-6

Thinking that the Government may like to know what is happening across our border in the West in the Districts in which the Boundary Force was operating, I have extracted the following information from the daily sitreps of the Boundary Force for the period from 15.8.47 to 31.8.47 :-

1. Lahore City and District.

15.8.47

Troops arrested 7 Policemen engaged in looting. Muslims in Refugee Camp at Walton Training School burnt one house near R.A. Bazar and stole cattle. Police fired 3 rounds.

19.8.47

Six Hindus stabbed by Railway Engine Driver, Pakistan Railway Guard reported intimating coolies working for Sikhs. At Santpur Hindu house burnt. A Police Head Constable reported present on the spot. Military patrol fired at while extinguishing fire near Lahore Railway Station. Armed Muslim National Guard preventing patrols (meaning military patrols) entering streets under, it is alleged, D.C.'s order.

20.8.47

Numerous cases police intimidation and interference with Hindu passengers reported.

21.8.47

Hindu girl aged 15 abducted by Muslim League National Guards. Girl rescued by troops. Her uncle with belongings forcibly taken away by other Muslim League National Guards. 4 Division Frontier Mail stopped near Lala Musa and looted by Muslims mob 1000 strong. Police reported fired all ammunition in their possession engaging the mob but inflicted no casualties. Police reported 4000 Sikhs' Jatha attacking village Awan Dhao Wala. On investigation no Sikh found visiting the village. 500 Muslims assembled Ram Pura 8 miles from Lahore and looted. 4 rounds fired by troops on looters.

22.8.47

Muslim refugees at Walton Training School looted family quarters at Civil Aerodrome.

24.8.47

Lahore City, 9 non-muslims including women stabbed. Assailants Muslim League National Guards. Several children died due to starvation at Railway Station, Lahore. Train attacked by Muslims between Khudian and Kasur. Numerous casualties, At Narwar 30 dead bodies of Sikhs found including I. A.S.I. of Police, All killed by Bren gun fire. At Luliani Sikh refugees arriving in large numbers.

26.8.47

3 dead bodies of Sikhs shot by police retrieved by military from Khalsa High School.

27.8.47

Extensive looting throughout Lahore City. One looter shot dead by troops after he tried to snatch rifle from a soldier. Karachi Mail stopped between Kot Lakhpat and Raiwind. 150 Sikh and Hindu dead bodies found.

29.8.47

Looters very active in Lahore City.

31.8.47

Passengers train from Okara to Raiwind stopped by Sikh Jathas who fired at the military but were fired back. 7 passengers killed (Note:- I doubt if there was any Sikh Jatha operating in this section. The so-called Sikh raiders might have been Sikh refugees from Okara).

Montgomery District

Refugees from Montgomery have given us most dreadful accounts of happenings in their district but the sitreps of the Boundary Force have very little to say. The Account of the 29th, however, may be reproduced. Refugees being harrassed by Muslims. 4000 refugees at Ranala Khurd and 15000 at Chak No. 5. Shops and houses looted. (Note:- there is no mention of forcible conversions, murders, arsons and loot.)

Lyallpur District

Nothing particular.

Sheikhupura District

15.8.47

Nankana Sahib, S.D.O. charged by D.C. for spreading false rumours.

25.8.47

City Firing by civilians snipers and police continues.

27.8.47

City very disturbed. Over 200 Sikhs killed in a factory. Other cases of arson.

29.8.47

Muslim mob attacked and took away children and wife of Hindu S.D.O. at Chickoki Mallian.

31.8.47

Village. Buta Singh near Nankana Sahib raided by Muslims.

1.9.47

Nanakana-Sahib Situation deteriorated. Police opened fire. Casualties about 60 Sikhs.

Gujaranwala District

15.8.47.

City. Mob looting Sikh Colony fired at by troops, 7 Muslims wounded. Mob returned fire.

19.8.47

Village Ram Nagar attacked by Muslims. All Hindu and Sikh houses and two temples burnt. Reports of forcible conversion of Hindus and Sikhs received. (Note:- Ram Nagar is an important town in this district and has its association with Maharaja Ranjit Singh. In the pre-Ranjit Singh days, the town was called Rasul Nagar).

21.8.47.

Train attacked by Muslim mob between Wazirabad and Sodhra. Forcible conversions in Kot Inayat Khan.

22.8.47

Mass forced conversions in villages around Chekhar.

24.8.47

Kamoke, Muslim mob attacked but repulsed by troops.

29.8.47

Large scale looting of non-Muslim areas in city.

31.8.47

Forcible conversions in Kalian Wala, Muraikan, Mangat Niche in Hafizabad Tehsil.

Sialkot District

22.8.47

Muslim League National Guards interfering with the work of troops.

27.8.47

Hindu refugees in motor transport under military escort attacked by Muslims between Ravi bridge and Chhota Ravi.

28.8.47

Narowal. Non-Muslims refugees situation very serious. Several cases of stabbing of non-Muslims reported. Sikh refugees from Sialkot attacked near Narowal Railway station.

These accounts will clearly indicate that the situation in the West is much more serious and alarming than in the East, where at least military and civil authorities have shown greater enthusiasm and keenness in dealing with the situation. In fact there are concrete instances available in the East where troops exceeded their right in dispersing non-Muslim raiders and I have not come across any instance where they felt content with firing only a couple of rounds. In the Gurdaspur District, the troops are reported to have shot dead over 600 Sikhs and injured almost the same number.

The accounts will also show the part that the Muslim League National Guards are taking in running the administration for the West. They have been interfering with the duty of the troops and this they have done, at least in Lahore, with the connivance of the Deputy Commissioner.

The part played by these Muslim Guards and the police in shedding innocent blood of non-Muslims and indulging in loot also deserves notice. We possess no information as to the happenings in the further west in the Rawalpindi and Multan Divisions.

Sd/- Sant Parkash Singh
I.G.P.
8.9.47

The West Punjab Ordinance No. IV, September 9, 1947.

Issued by Governor of West Punjab, Lahore

An Ordinance to provide for Economic Rehabilitation in West Punjab.

WHEREAS the Governor of West Punjab is satisfied that circumstances exist which render it necessary for him to restore and maintain the economic life of the province and to ensure the orderly settlement of persons who have taken refuge in the provinces on account of the late disturbances in the adjoining territory of East Punjab.

NOW, THEREFORE, in exercise of the powers conferred by section 88 of the Government of India Act, 1935, the Governor of West Punjab is pleased to make and promulgate the following Ordinance, namely:

1.
 - (i) This Ordinance may be called the West Punjab Economic Rehabilitation Ordinance, 1947.
 - (2) It shall be extended to the whole of the West Punjab.
 - (3) It shall come into force at once.
2. (1) The Provincial Government may, by notification in the official Gazette, appoint a Rehabilitation Commissioner for the Province, and Assistant Rehabilitation Commissioner for such local areas as may be specified in the notification.
- (2) The Director of Industries, West Punjab, shall be Deputy Rehabilitation Commissioner for the Province, and may exercise all the powers of the Rehabilitation Commissioner in respect of industrial undertakings dealt with under this Ordinance; provided that in the discharge of his functions under this Ordinance, the Director of Industries shall be subject to the control of the Rehabilitation Commissioner, and shall comply with all instructions, whether special or general issued by the Rehabilitation Commissioner.
3. Subject to the provisions of this Ordinance, the powers and duties of the Rehabilitation Commissioner shall extend to the following matters, namely:
 - (a) to repair the dislocation in the economic life of the Province caused by the abandonment of property and the closing down of business and undertakings, on account of the owners, or, as the cases may be, the tenants, employees or workmen having left the province in consequence of the late disturbances: and
 - (b) to secure the orderly absorption into the economic structure of the Province of persons who have sought refuge in the province on account of the late disturbances in the adjoining territories.
4. (1) The Rehabilitation Commissioner may make such general or special orders. Not

- inconsistent with this Ordinance or any other law for the time being in force, as may be necessary for the discharge of his functions; provided that no order of a general nature shall be made without the previous approval of the provincial Government.
- (2) In particular, and without prejudice to the generality of the powers conferred by the preceding subsection, the Rehabilitation Commissioner may

- (a) assume possession and control of abandoned lands, business and undertakings;
- (b) grant temporary leases of abandoned agricultural holdings in his possession to refugees, for a term not exceeding one year;
- (c) arrange for the reopening and carrying on of any abandoned business or undertaking ;
- (d) permit the occupation of any abandoned building in his possession by refugees or other persons;
- (e) require the owner or manager of any business or under-taking to give employment to refugees;
- (f) require the letting of storage and residential accommodation to refugees, or to any other persons;
- (g) requisition any movable property; and
- (h) summon, by notice, any person who, in his belief, possess any relevant information of document concerning any evacuee property, business or undertaking to make and sign a statement or to produce such document and permit copies to be taken of any part thereof.

5. Whenever possession or control is assumed by any authority empowered by or under this Ordinance of any abandoned land, building, business or undertaking, such authority shall send a copy of its proceedings, containing all available particulars of the location and the ownership of the property, business or undertaking, to the Custodian of Evacuee Property for record in his office.

6. The Rehabilitation Commissioner shall not grant a lease of any immovable property, if in respect thereof there is an existing lease and the lessee is ready, able and willing to carry out the conditions thereof, and any such lease granted by the Rehabilitation Commissioner shall take effect according to its tenor, notwithstanding anything contained in any instrument of lease, grant or other demise whatsoever, which may be in existence in relation to the same land.

7. Whenever any property is requisitioned under the provisions of this Ordinance, the owner thereof shall be paid such compensation as the Rehabilitation Commissioner may determine.

8. If in the opinion of the Rehabilitation Commissioner, it is necessary for the discharge of his function that he should assume possession or control of any abandoned property, business or undertaking which is in the possession or under the control of a

Custodian of Evacuee Property, or any other persons authorised by any law for the time being in force, the Rehabilitation Commissioner may by order in writing require such Custodian or other person to deliver possession or control of such abandoned property, business or undertaking to him and such Custodian or other person shall forthwith comply with such order.

9. No suit, prosecution, or other legal proceeding shall lie against the Provincial Government, the Rehabilitation Commissioner, or any person acting under his direction, for anything which is in good faith done or intended to be done in pursuance of this Ordinance.

10. The Provincial Government may, by notification in the official Gazette, make rules providing for:—

- (a) the delegation of powers by the Rehabilitation Commissioner to the Deputy Rehabilitation Commissioner, or an Assistant Rehabilitation Commissioner;
- (b) the respective powers of the Deputy Rehabilitation Commissioner and the Assistant Rehabilitation Commissioner.
- (c) the manner in which general order made by the Rehabilitation Commissioner shall be published;
- (d) the procedure to be adopted by authorities empowered by under this Ordinance; and
- (e) generally for carrying out the purposes of this Ordinance.

11. In this Ordinance, unless the context otherwise requires:—

- (a) the expression “abandoned” in any reference to a business or undertaking, means such a business or undertaking as has ceased wholly or partially to operate owing to the flight of its owner, or any of the employees (including workmen) from the Province in consequence of the late disturbances, and in any reference to any land or building means any such property as has been left unoccupied owing to the flight of the owner, tenant or occupier, for the afore-said reasons;
- (b) the expression “evacuee” means any person who, being a resident of the Province, has gone away to some place outside the Province since the 1st January 1947, on account of the late disturbance, or who cannot, by the exercise of due diligence, be traced at his usual place of residence or business in the Province.
- (c) the expression “refugee” means a person who has taken refuge in the Province on account of the late disturbance in the territory of East Punjab;
- (d) the expression “Custodian of Evacuee Property” means the Custodian of Evacuee Property appointed under the West Punjab Evacuee Property (Preservation) Ordinance, 1947, but does not include a Deputy Custodian or an Assistant Custodian of Evacuee Property appointed under that Ordinance;
- (e) the expressions “business” and “undertaking” do not include any business in the nature of banking;

(f) the expression "the Province" means the Province of West Punjab.

R.F. Mudie
Governor of West Punjab

M.R. Kayani
Secretary to Government, West Punjab
Legislative Department.

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Major General Bakshish Singh Chimni's Note

Item No.12 Sixth meeting Emergency Committee held on September, 10, 1947
"Mountbatten and Independent India", Lorry Collin and Dominique Lapierre. p.101-102

Major General Chimni said that he had been appointed head of the Military Evacuation Organisation in East Punjab on August 29. He had set up his Headquarters in Amritsar with a forward link at Lahore. A number of convoys had been running, using civilian transport. He has collected information in various ways of the conditions in West Punjab and this information was most disturbing. He was clear that the evacuation of refugees was by no means the only commitment at the present time. He pointed out that there was never a military situation in which there were sufficient resources to meet every contingency - the relative importance of the several tasks had to be considered. In this particular case, he had no desire to minimize the importance of internal security, but he considered that the very existence of the large majority of non-Muslim inhabitants of West Punjab was now in danger and felt that internal security should take a secondary place to evacuation, and that risks in the sphere of internal security should be accepted. The harrowing tales which he had heard about West Punjab had brought him to the conclusion that it was imperative that the refugees there should be evacuated within three or four weeks. Otherwise there might be none to bring. Whatever the intentions of the Pakistan Government itself, there was no doubt that the lower grades of officials were not obeying their orders. He dreaded to think of the political repercussions that a wholesale massacre would have.

Major-General Chimni went on to say that he had suggested that the resources required to improve the rate of evacuation of refugees could be obtained from certain sources; but Lieut-General Bucher had informed him that many of these were already tapped. He had in mind particularly 123 Brigade who had recently arrived in East Punjab. Many of the troops in East Punjab were employed in collecting Muslim refugees from small pockets to larger camps. There were not sufficient Pakistan troops for this purpose. He required altogether two Brigades. He had so far been given a battalion, less a Company and a Platoon, and one more Battalion was due to be put at his disposals that day.

Major General Chini also suggested that there should be but one Commander to deal with questions of internal security and of evacuation. He gave his view that most of the

refugees in East Punjab would have to come out on foot. To protect this movement, armoured car patrols would be most useful. He suggested that more civilian transport should be requisitioned and formed into Companies on a military basis. He has also asked for a work-shop element which might be provided by the Armoured Division.

Lieut-General Bucher said that he personally agreed with the general ideas put forward by Major General Chmni. Acceptance of these ideas was, however, a matter for the Government. He also agreed that one over-all Commander for both evacuation and internal security should be appointed. He explained that all Units which could be spared from Eastern Command had already been ordered up. Lieut. General Tucker had said that he would send no more unless he was ordered to do so. Southern Command would be able to provide some more units. He pointed out that it was impolitic to take away the transport of units employed on internal security. Decreased mobility required further forces.

The Governor-General gave his opinion that no reinforcements should be sent to East Punjab at the expense of Delhi. In his view, Delhi should remain the over-riding first priority.

The Prime Minister said that he agreed that Delhi should continue to have first priority. It seemed to him that the question of evacuation of refugees, and the maintenance of law and order were closely inter-related. To relax on law and order might well increase the refugee problem - new districts might be affected. In his view, however, so far as East Punjab was concerned, the evacuation problem should have priority. The extent to which this was done would be a matter for those on the spot. He emphasised that it had been agreed at a meeting at Lahore that evacuation should be arranged on mutual basis. He emphasised the necessity for tackling the problem with this in mind. Apart from this undertaking, the presence of Muslims waiting to be evacuated in East Punjab - for example 2,00,000 in Jullundur - was a constant irritant. Each factor reacted upon the other. It came down to a requirement of further troops. The Prime Minister also agreed that the separate military evacuation organisation should be abolished and that one Commander should be appointed to deal with problems of both law and order and evacuation.

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Sir Chandu Lal Trevedi to S. Swaran Singh

File D/269 Broadland Archives

SECRET AND IMMEDIATE

Camp Jullundur
11th September 1947.

My dear Home Minister,

You will remember that I addressed you a letter on the 4th September (vide document no. 164) on the question of restoring law and order. I still find that armed bands of Sikhs are operating in practically all the districts of the Jullundur Division except perhaps Ferozepur. I would like to know from you whether propaganda by the Sikh leaders in the cause of peace is now continuing, and if so where. I must repeat what I said in my last letter that I am not all sure whether such propaganda as has been carried on has reached the interior

or has really gone home to what might be described as low-level leaders in tehsils and villages.

A recent manifestation is what may be described as pure lawlessness indulged in not against Muslims, but against sections of non-Muslims. This may well develop into a Hindu-Sikh quarrel, the dimensions of which, unless checked initially will spell ruin to the whole of East Punjab. We decided yesterday to write to the Deputy Commissioners asking them to adopt certain administrative measures, but here again propaganda by non-official agencies should prove of great use. I would like to know what plans you have. I still do not know the Punjab very well, but as one whose ignorance is less than what it was on the 15th of August I should say that the future of this province lies not in domination by one party but on Hindu Sikh collaboration. This is, to my mind, a fundamental truth and the sooner we as a Government get it recognised the better it will be for the Province. Already reports of strained relations between Hindus and Sikhs, particularly at Amritsar, have reached me.

I have written to you quite frankly, because you are entitled to know what I feel, and I should be most grateful if you let me know what you yourself think. I have sent a copy of this letter to the Honourable Prime Minister. What I should welcome is a joint reply from you both, but I have addressed you because you are incharge of law and order.

Yours sincerely
Sd. C.M. Trivedi.

Honourable Sardar Swaran Singh,
Home Minister, East Punjab,
Camp Jullundur.

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Sir Chandu Lal Trivedi to S. Swaran Singh

D/269 Broadland Archives.

IMMEDIATE.

Camp Jullundur
12th September 1947.

My dear Home Minister,

I offer no excuse for writing to you in continuation of my letter of the 11th September on the question of restoring law and order. The attacks by Sikh armed bands on Muslim refugees continue. For instance, in the Military Sitrep of the 11th, received by me today, it is noted that (1) a Sikh armed band attacked a refugee caravan near Dera Baba Nanak Railway Station. (2) a refugee train from Kapurthala to Jullundur was derailed and (3) that a convoy of Muslim refugees proceeding from north and south by large Sikh bands armed with rifles and automatics and that casualties to refugees are believed to be heavy. I know that incidents are happening on the other side, but if attacks on refugees on both sides continue all chances of an orderly and peaceful evacuation will be very nearly gone. It must be remembered that we have large numbers of Hindus and Sikhs still awaiting evacuation

from West Punjab. In this connection you will remember that I sent a telegram to the Governor of West Punjab protesting against the tone of Daultana's telegram to H.P.M. of the 8th September. In reply the Governor has informed me that due allowance must be made for frayed tempers these days and that continuing organised massacre by Sikhs of Muslim spreading into Delhi is naturally producing a violent reaction in West Punjab. I feel that we are heading towards a disaster even worse than what has befallen us already. Is there really no way to do something effective, and that too most immediately, to put a stop to these attacks by Sikh armed bands? I would request an immediate reply or discussion.

I am sending a copy of this letter to Honourable Prime Minister.

Yours sincerely,
Sd. C.M. Trivedi

Honourable Sardar Swaran Singh,
Home Minister, East Punjab.

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Premier West Punjab to Prime Minister Pakistan

I.O.R. MSS Eur. F. 164/17

Copy of Cypher telegram No. 268-G dated 12.9.47

From: Premier West Punjab.

To: Prime Minister Pakistan.

I have to communicate the following unanimous resolution of West Punjab Cabinet taken at its meeting on 11th September 1947.

Situation in East Punjab rapidly deteriorating. East Punjab not honouring international decisions. While their evacuation from West most expeditious, our brothers in East Punjab being massacred in hundreds and thousands every day. Concentrations of Muslim population being starved. No arrangements whatsoever for medical aid or health. Under these terrible circumstances it is our confirmed and decided opinion that every single Muslim from East Punjab who is still spared must be evacuated at once. Any delay in evacuation is criminal and Muslim Nation will never forgive us for it. We have done our best to hold out in these unprecedented conditions but we cannot be true to our responsibilities or our duty to the Muslims unless we can get sufficient political and military assistance from you to immediately evacuate Muslim population on foot. All our plans fail because of our failure to do this. You can by political pressure at highest level or by all other methods bring this about immediately. No Government in West Punjab can function and while we are ready to carry on to the bitter end, it will be a futile attempt.

Sir Francis Mudie to Sir Chandu Lal Trivedi

MSS Eur. F 64/17

West Punjab

Government House, Lahore
17th September 1947.

My dear Trivedi,

I enclose copies of two reports that I have had today and also, for ready reference, a copy of your Home Secretary's latest report. (These documents were not there. Ed.) The only conclusion that can be drawn from these and other reports is that there is a complete breakdown of law and order in the East Punjab. This state of affairs appears to be due to your Government's surrender to the Sikhs. You allowed them to dictate who should pass through Amritsar. The consequences of that surrender have, as you know, been very serious indeed. They may be disastrous. No force can safely escort the lakhs of refugees who are waiting to come to the West Punjab past Amritsar unless law and order prevails in the surrounding country. If the Sikhs are allowed to dictate to Government, law and order can never be restored.

I hesitate to make a suggestion regarding another Province, and I understand your difficulties. But in the circumstances I do suggest that the first duty of your Government, with, if necessary, the help of the Government of India, is to suppress the arrogance and turbulence of the Sikhs and to ensure that they remain no longer in a position to prevent the carrying out of agreements entered into between the Government of East and West Punjab and loyally kept by us.

I do not wish there to be any misunderstanding about my position in this matter. Very regrettable things have happened in the West Punjab, are still to a less extent happening, and will probably continue to happen. But they are isolated incidents. In the East Punjab the case is different. The Sikhs are carrying out a well organised plan to exterminate Muslims and drive them from the Province. They move about in regular gangs armed with weapons which undoubtedly come from Military stocks. Although in many cases Sikhs have been driven from their homes in the West Punjab, their exodus from Montgomery and Lyallpur was voluntary and planned. Giani Kartar Singh, whom I met at Lyallpur, told me himself that he intended marching the Sikhs out of that district, though it was quiet, and there had been practically no disturbances in it.* Therein - in the matter of organisation - lies the difference between the East and West Punjab, Do not let us deceive ourselves.

* Giani Kartar Singh told the writer of these lines that he had most confidential information that Mr. Jinnah Governor-General of Pakistan and Sir Francis Mudie, Governor of West Punjab had made up their minds to turn the Sikhs out from Pakistan. Then he requested the West Punjab Governor to grant facilities to the Sikhs to move to the Indian border. Giani's statement is confirmed by Sir Francis Mudie: letter dated Sept. 5, 1947 Vide Document no 165 where in he had stated, "I am telling everyone that I do not care how Sikhs get across the border, the great thing is to get rid of them as soon as possible."

I have shown this letter to my Prime Minister and the Prime Minister of Pakistan, and both agree with what I have written. I have no objection to your showing this letter to your Cabinet.

Yours sincerely,
Sd. R.F. Mudie

His Excellency Sir Chandulal Trivedi,
Governor of East Punjab.

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S. Swaran Singh to Sir Chandu Lal Trivedi

DI 269 Broadland Archives

(Camp) Jullundur city,
17th September, 1947.

My dear Sir Chandu Lal,

I did not consider it necessary to send a written reply to your letter of the 4th of September, 1947, as we discussed the situation and the steps, both official and non-official, that should be taken to cope with situation; in fact the situation has been under close scrutiny from day to day, and both PM and I have been in constant touch with you on all these matters. I need hardly recapitulate what we have been orally discussing and you are fully aware of what we have felt about the situation.

There are three points in the letter of the 4th of September which require noticing:-

(1) *Organisation behind lawless activities.*

According to the reports and as a result of inquiries made from time to time, it does not appear that there is any organisation behind the lawless activities. These are only sporadic and local outbursts of violence and it has not so far been possible to detect any coordinated or organised effort behind them. In view of the vigorous efforts of Master Tara Singh, Sardar Baldev Singh and other Panthic leaders, it is difficult to believe that any organisation behind these activities could exist. I can say, as a result of my personal contact with Master Tara Singh that he is very keen for the restoration of law and order, and he is doing his utmost to achieve that end.

(2) *Propaganda.*

Sikh leaders have gone round the Province to carry on propaganda for restoration of law and order. It is true however that with the means of communication completely paralysed, the propaganda may not reach the masses to the same extent to which it would

have been possible under normal conditions. I am considering and putting through ways and means to make it more intensive.

(3) *Police and Military action.*

Along with you, PM and I have always impressed upon district officers the necessity of maintaining law and order. We have also pointed out to them unmistakably our determination to stop lawlessness. Any individuals or group of persons determined to indulge in lawless activities must be put down with a strong hand. In this policy there is no question of any distinction or discrimination with regard to any particular community. Any law-breaker, whether he happens to be a Hindu, Sikh or of any other community, must be dealt with firmly.

I am sure you would recollect that PM and I discussed this matter with you on the lines given above after the receipt of your letter dated the 4th of September 1947.

Your letters dated the 11th and 12th of September 1947 refer to very important matters. (Vide document no. 170). You have rightly expressed anxiety about certain lawless activities of armed bands. On this subject, nothing more need be said beyond what I have written above. Continuance of armed bands roaming about in the countryside is something which has to be stopped. I can however say that responsible Sikh leaders have condemned such lawless activities in unmistakable terms and propaganda of Sikh leaders continues. With lakhs of people displaced from their original homes and with the prevalence of an atmosphere of uncertainty and unrest, law-breakers of all communities get a chance, and I am not certain if this tendency is confined only to one community. I have in my possession facts showing that a large scale looting was resorted to by Hindus and Sikhs alike with respect to the abandoned property of Muslims in towns as well as in the villages. This however is all the greater reason why we should do all that can possibly be done to make the administration function properly and firmly. Attacks on refugee camps or on refugees in transit can not be condemned too strongly. In many cases this has originated from Hindu and Sikh refugees. Not only propaganda but practical steps are also being taken to ensure that such attacks do not take place, but the best safety lies in making adequate arrangements, military and police, for the protection of the refugees. I entirely agree with you that brutal acts in the West Punjab should not deflect our judgement in the East, and that an attack on the refugees in the East does not do any good to the refugees in the West. On the other hand, it positively harms the refugees in the West and endangers their lives and property. We cannot however ignore the feelings of anger and excitement in which our refugees from the West Punjab find themselves. Their woeful tales of suffering create an atmosphere, in which sentiments of retaliation has the upper hand. This vicious circle however must be broken and every sensible man is feeling convinced that there is no other course open to us except to break this vicious circle, irrespective of what happens in the West.

I fully appreciate your feelings on the question of Hindu Sikh unity. P.M. and I fully explained to you when we met last that we are determined to maintain the most amicable relations between the two communities. Both the communities have suffered terribly in the course of the last few weeks. PM and I are extremely anxious that there should be complete Hindu Sikh collaboration. In a moment of suffering the masses and the general public are an excitable commodity and those sections who are bent upon criticism find a very fruitful

ground. A very clever propaganda is consistently and vigorously carried on by West Punjab agencies, governmental and private to drive a wedge between the Hindus and Sikhs. Sikh is painted as an arch tyrant and Hindu an indifferent onlooker. This however is not the correct position. Hindus have suffered as much if not more at the hands of the Muslims in the West. From another angle, Sikhs are egged on to develop a feeling of hostility towards the Congress and the Hindus by pointing out that the Hindus and the Congress would engulf and absorb the Sikhs. I know that many Hindus and Sikhs have fallen prey to this and have begun to say foolish things, little realising the danger involved in such an attitude. Along with this propaganda from the West is the subtle propaganda of the Rashtariya Sewak Sang organisation and the Communist parties. Both these organisations want to utilise the present conditions for building up goodwill of the people in order to build up power for the future. Their workers have penetrated into the camps and whatever service they render to the refugees, one thing they certainly do and that is to excite the Hindus and Sikhs against each other and to spread feelings of bitterness against the Provincial and Dominion Governments. I am sure that PM and I will continue to do our best for maintaining the best of relations between the Hindus and the Sikhs. We are bound to succeed, for such feelings of bitterness and despair resulting from atrocities in the West cannot continue for long and the refugees are already reconciling themselves with the tremendous change and rude shaking. Members of the Services owe a sacred duty at this moment and both PM and I make it a point to impress upon members of the Services the necessity of maintaining perfect understanding and friendship between the Hindus and the Sikhs of the Province.

These are difficult times. The problems facing us are gigantic. We will have to mobilise all our resources to cope with even a fraction of the situation. This does not however mean that we should feel overwhelmed. I am sure we will be able to pull our province through this difficulty under your able and sympathetic guidance.

I have shown this letter to PM.

Yours sincerely,
Sd/- SWARAN SINGH

H.E. Sir Chandulal Trivedi, Governor East Punjab.

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Communique on Recovery of Abducted Women

P.B.R. C.F. 579-ER-48, page 29

Communique 18.9.47

Nawa-i-Waqat of Lahore in its issue of 7.9.47 published a news item headed 'The Government of West Punjab has appointed a police officer for the recovery of abducted women. The contents of this article are misleading. The East Punjab Government, therefore, wish to state that the true position is as follows:-

The Inspector Generals of police West and East Punjab have agreed to form a small

police staff for the recovery of women abducted during the recent disturbances. The non-Muslim members of this staff who will work in East Punjab will be selected by Inspector General of Police West and members of the staff who will work in the West will be selected in turn by I.G. Police East. The former staff will operate in East Punjab only and the latter in West Punjab but the officers incharge of the two provinces will keep in close touch with both I.Gs, and will therefore, be in a position to move freely in both Provinces. It is however incorrect that any of the Muslim staff will be provided to work in East Punjab or that non-Muslim staff will be asked to work in West Punjab.

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Sir Francis Mudie India to Mr. Jinnah

I.O.R. MSS. Eur F 164/14

West Punjab

No. 3
Government House, Lahore,
23rd September, 1947

Secret

Dear Mr. Jinnah,

I had intended to write sooner, but I have been very busy. We have had a very difficult time since I last wrote. I was then inclined to be optimistic about the general position. I have ceased being so.

The general law and order position has continued to improve in the sense that, though attacks on Hindus and Sikhs do continue they are becoming more and more isolated incidents and on the whole the country-side is peaceful. There has, however, been a deterioration in the political situation, about which Liaquat will have told you. I feel that my Ministry are rapidly losing touch with the public and becoming more and more to represent only themselves and their small clique within the League. Mamdot's difficulty of making up his mind seems to be on the increase, and there is a greater tendency even than before to waste time in long inconclusive discussions. His method of work is very curious. He agrees to something and then refuses to pass orders or passes different orders. I have just telegraphed to Liaquat about his ordering searches of evacuees and evacuee camps after agreeing, not only with me but at a meeting at which both Dominion Prime Ministers were present, that they should cease.

In these circumstances I welcomed the appointment of Iftikhar-ud-Din as Minister for Refugees and Rehabilitation. So far he has been very helpful. Of course, like the rest, he is without experience, but I think that his outlook is broader than that of the others. His first job is to get his staff together and get them working on some system. We have them all housed together in the Residency, which should help.

Our position vis-a-vis the East Punjab and India is becoming more and more difficult. A number of evacuee trains came in recently from the East, which had been heavily attacked and which contained a number of dead bodies and wounded people. Result indignation in

Lahore leading to attacks in Lahore on non-Muslim evacuee trains bound for the East. This again resulted in a rise in temperature in Amritsar and in the authorities refusing to take the risk of allowing our foot convoys through that city. This, when it is known will lead to further distrust on this side. We have told the Sikh Major-General who is in command at Amritsar that unless our people are allowed through Amritsar we will hold up the Sikhs who left Lyallpur about a week ago and who are now about to cross the Sutlej to East Punjab. This is said to have made a considerable impression on him.

It is becoming daily more clear that the East Punjab Government has lost all control of the situation and that, in fact, it has practically ceased to exist as a Government. The Deputy Commissioner, Jullundur, a Hindu told Moss that he was practically powerless before the local Sikh "Committee of Action". A British Colonel whom I met by chance on the Ferozepore bridge when I went there yesterday just to see the frontier, and who had come from Ferozepore to inspect his picket, told me that, as far as I could see, matters in the East Punjab were bound to get worse and worse. Iftikhar-ud-Din was told the other day by some of his Hindu Congress friends that the attitude of the Sikhs in the East was intolerable and insulting to Hindus. Even Brij Lal Nehru, late Accountant General here, wrote recently to Gandhi to the effect, I understand, that conditions in the East were far worse than in the West and that nothing could be done anywhere unless the Government of India took action in the East. His letter was intercepted. I will send you a copy when I get one.

We have had one meeting of the Provincial Committee of your Relief Fund. Work has already started in some districts. I hope as the result of the labours of my niece, to get a complete set of instructions, receipts, store registers, etc. out to districts this week. Then we can get to work in earnest.

A fortnight ago everybody hoped that the Hindus as a body would stay and that it would be possible for the Muslims in the Ambala Division to stay there. But since the Sikh attack on Muslims in Delhi the situation in that Division has greatly deteriorated, and I think that we must accept the position that we will have to receive all the Muslims from there. Otherwise they will be exterminated. The government of India is obviously not sufficiently interested to protect them. Also the Sikhs in the Colonies are accustomed to large holdings and they will have great difficulty in squeezing themselves into the much smaller holdings of the Jullundur Division. They are bound therefore to invade the Ambala Division unless, which is a possibility not to be ignored, they attempt to return to the West by force.

The number of Muslims in the East Punjab, including the Sikh States, is 54 lakhs. Against this we have in the West Punjab 15 lakhs Sikhs and 20 lakhs Hindus. How then can we accommodate 54 lakhs Muslims unless we get rid of the Hindus? Also the Hindus show no sign of regaining confidence. I think therefore that we must accept the position that all, or practically all, the Hindus must leave West Punjab if only for the reason that we have to find room for such a large number of Muslims from East Punjab. It goes without saying that we cannot take any appreciable numbers from Delhi or beyond. We are having the whole question of the numbers that we will have to absorb, their trades, professions, etc., examined by an economist, who will, I hope, report in a week. The numbers that I have given are those of the 1941 Census and so, apart from killings, are too low.

After the main transfer has taken place, very difficult technical problems will arise regarding the property left behind by evacuees. We have at last got a Custodian of Evacuee Property, but he, of course, looks after only the property, of Hindus and Sikhs who have left

West Punjab. The East Punjab were to pass an Ordinance similar to our Evacuee Property (Preservation) Ordinance and to appoint a Custodian. But so far they have done neither. I doubt if they are capable of either. Similar problems will doubtless arise in Sind and in Baluchistan.

Presumably in the end we will have to recognise and regularize the transfer of population. Then difficult questions will arise. Under what conditions will Hindus and Sikhs be allowed to live in West Punjab? The Hindus don't much matter and if their houses, etc. are all taken up by Muslims, they are unlikely to return in large numbers and so may be ignored in this connection. But the Sikhs are different. Apart from the danger of their being murdered if they come across here, which might raise international questions their ingress would have to be very strictly limited for security reasons. We cannot ignore what they have done, to plan, in the last six weeks or their inordinate ambition. When they find themselves confined to the comparatively infertile lands of the East Punjab there is, in my opinion, every likelihood of their trying to return to the West. They might, if in the meantime they have not been put in their place by the Government of India, try to return by force. But it is more likely that they might try infiltration tactics to be followed by an attack on the frontier aided by fifth column pockets which they would have established. This may sound alarmist, but if any one six months ago had predicted what the Sikhs have accomplished in the last two months he would have been laughed to scorn. We can afford to take no risks.

I am afraid that is rather a pessimistic letter, but it is hard to see the light. I am very glad that Liaquat is to make Lahore his headquarters for some time but I hope the era of platitudinous joint communiques by the two Dominion Governments is over. They are only red herrings across the trail of the real question which is the suppression of the Sikhs.

Yours sincerely,
Sd. R.F. Mudie

His Excellency Qaid-i-Azam Muhammad Ali Jinnah,
Governor-General of Pakistan, *Karachi*

P.S.

I add the following which has just come to my notice since this letter was drafted.

Reference (1) on page 2 of this letter: I have already informed you that we have stopped the movement of the Sikh convoys. I am informed, however, this morning that a Muslim convoy started from Amritsar down the Canal bank. Still I think our action will do good, as apparently Sikhs from Lyallpur are trying to persuade the Sikhs in Amritsar not to massacre Muslims for fear of retaliation on Sikhs here.

Reference (2) on page 4 of this letter: According to today's papers the East Punjab have issued an Ordinance.

It seems to me that the best line to take is to try to get the Government of India to declare Martial Law in East Punjab. I have it from Gen. Lockhart, who I presume should not be quoted that they very nearly declared Martial Law the other day, but in the end did not do so as they realised that Martial Law would have to be administered by General

Lockhart, a British officer.

There is accumulating evidence of the paralysis of the East Punjab Government. I have had a talk with Sher Khan, the Liaison Officer with Chimni's Force. He describes the state of affairs, particularly in Amritsar as anarchy. The Hindu D.C. has gone on ten days' leave and will probably not return. He has handed over to his Sikh A.D.M. He himself has been officially told by Chimni that he would rather that he (Sher Khan) confined his movements to his bungalow and his office, as otherwise Chimni cannot be responsible for his safety. We are not sending any Liaison Officers to East Punjab, as their lives would be in extreme danger. Sher Khan told me, though presumably he should not be quoted that he was present at a meeting held by Trivedi the other day, at which Trivedi told the I.G. Police (A Sikh) that he would like to see the whole of the East Punjab Police shot, including the I.G.. I merely mention these incidents to show the state of affairs in East Punjab. I have asked Sher Khan to submit a report, which should strengthen the demand for Martial Law.

As far as I have been able to see light, the way we should play our hand is as follows. Both Mountbatten and Nehru have world reputations. Both are therefore sensitive to world Press, U.N.O., etc. It would be very difficult for them if they were to refuse, I hear that they have accepted it, first, the demand for neutral observers and, secondly the demand for Martial law. Now that the demand for neutral observers has been made public I doubt whether they could face a similar publication of their rejection of the demand for Martial law. Pressure of this sort, therefore, might compel them to agree to Martial law.

The fact that the R.S.S. Sangh are participating with the Sikhs in attacks on Muslims in Amritsar seems to me to be very significant. I understand that the R.S.S. Sangh has the blessings of Vallabhbhai Patel. We have therefore two Members of the Government of India, Patel and Baldev Singh, neither of whom would do anything to stop anarchy in the East Punjab. Ishar Singh Mujhail one of the new Ministers of the East Punjab along with Udham Singh Nagoke are said to be the leaders of the Sikh party principally responsible for massacring Muslims in East Punjab. The appointment of the former therefore is hardly likely to be helpful.

I enclose a copy of Brij Lal Nahru's letter referred to at I (A) on page 2 of this letter. (It was not found with the papers. Ed.)

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Governor West Punjab to Prime Minister Pakistan

I.O.R. Eurp. F/64/16

Copy of a letter cypher no. 288-G, dated 23.9.47, from the Governor West Punjab to the Prime Minister Pakistan.

D.C. Lahore is still searching evacuee convoys. He says he is doing this in accordance with personal orders of Mamdot. I have spoken to Chief Secretary and he tells me that

Mamdot told him not to issue orders stopping searches. Mamdot even denied that I.G. Police's orders to the Police stopping searches were issued by Government, though I showed him the draft and got it approved at the meeting at which the decision was taken. Some days ago I discussed the matter with Mamdot and I understood him to accept it.

Since drafting this I have heard that the Hindu evacuee camp in Lahore was searched this morning. Chief Liaison Officer made strong representation to I.G. Police.

Am seeing Mamdot tomorrow and will take up the matter with him and let you have a further wire. I will tell him that I have reported the matter to you.

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Secretary Governor East Punjab to Maharaja of Patiala

P.B.R. C.F. 352-ER-47 -page 7. (Vol I)

TELEGRAM

GOVERNOR, EAST PUNJAB, 33

Addressed Maharaja of Patiala.
Repeated Honourable Pandit Jawahar Lal Nehru.

No. 93-C. I understand Pandit Jawahar Lal Nehru has telegraphed to Your Highness about bands of Sikhs coming in Simla from Patiala State. Two days ago a Pakistan special was attacked by a Sikh armed band near Sirhind. It is obviously most essential in the interests of Sikhs and Hindus awaiting evacuation from West Punjab if on no other ground, that attacks like these must not only cease forthwith but that any other unlawful activities of armed bands operating in and from Patiala State should be swiftly suppressed. I am sure that East Punjab Government and I can count on Your Highness to take effective measures forthwith. Situation is serious and untoward incidents this side only lead to reprisals in West Punjab. Would be grateful for an early reply.

Sd/- N.K. Mukerji,

Secretary to Governor,
East Punjab, Camp Jullundur,

Immediate.

Copy to H.S.

Sd/-
23.9.47.

**East Punjab Liaison Agency
Daily Report**

P.B.R. C.F. 386-ER-47, pages 1 & 2

Daily Report ref: the meeting held on 23.9.47 at 4 P.M.

Major General Chimni was not present, therefore, Colonel Viridi addressed the conference.

Situation Report regarding the last 24 hours.

- (a) One foot convoy started from Chunian Khadian side. More than 8,000 persons crossed the border by 4.30 A.M. There were attempts to sabotage by breaking the canal banks.
- (b) Another foot convoy on that side - its tail was at about four miles from Chunian while the head at Dholan.
- (c) Balloke head was still held up. No movement across Balloke.
- (d) There was a report from Giani Kartar Singh, Khalsa College, Lyallpur, that there were more than 2 lac refugees at Lyallpur and one lac more were likely to come soon. There was cholera epidemic in the camp and the military escort was not sufficiently strong. It was, therefore, requested that Jaranwala escort should be transferred to Lyallpur, It was also reported that a convoy on foot will start on 23rd.
- (e) A convoy of about 40,000 non-Muslim refugees started 20th from Sargodha. By 22nd they reached Chak Jhumra wherefrom they sent a message for getting military protection - Lahore area could not give any protection - Amritsar area trying to what-even is possible.

2. The general situation today was rather bad and so was yesterday. Therefore, no convoy could be sent today. Only few military vehicles, left for Chakwal. It was decided not to send any convoy tomorrow. The civilian drivers had refused to go that side and there were other complications. It is hoped that sending of convoys will be resumed from day after tomorrow. Two trucks with food will be sent to Balloke tomorrow. These will be escorted by a full platoon. These trucks should return to Amritsar tomorrow evening and try to bring as much intelligence as possible. Convoy commanders were asked to make personal reports to the duty officer as soon as they return to Amritsar even if it may be midnight.

3. It was decided that issuing of permits to the non-Muslim volunteers going with the

convoys should be the minimum as most of them go simply to bring their luggage. It was suggested that not more than five permits should be issued for a convoy of 20 vehicles.

4. It was also decided that one ambulance car should be sent with every convoy as in every camp there are many wounded persons. The suggestion was considered very reasonable but it could not be decided whether it would be possible to have ambulance car with every convoy.

5. It was complained by the convoy Commander that the Pakistan authorities insisted on carrying the Muslim refugees to the destination. Position as stands at present is as follows:-

"The convoys from East Punjab with Muslim refugees go first to the Walton Training School. There they are made to wait for a considerable time and then they are asked to carry other Muslim refugees to the districts where they might be going. In this way about six hours are spent at Walton Training School. Again at Ravi Bridge they are not allowed to cross unless every truck is full to the brim and if any vehicle is found to carry smaller number of refugees than expected by Pakistan authorities the passengers of those vehicles are trans-shipped to the other vehicles and the empty vehicles sent back. This procedure is repeated at many places on the way. On the other hand in the East Punjab the vehicles of the Pakistan Government are allowed to proceed unhindered once they have dropped the refugees at Amritsar. Under the circumstances every officer seemed to be of the opinion that unless we also adopt similar procedure, there was no hope of getting any proper treatment from Pakistan Government. That is the only language which they can understand. It was therefore strongly recommended by Col. Viridi that civil authorities should establish two Police Posts on the G.T. Road - one at a distance of about five or seven miles towards east of Amritsar and the other at a similar distance to the west of Amritsar. These Police Posts should work in close cooperation with the Military authorities and should not allow any vehicle of the Pakistan government to proceed unless it is full to the brim with the non-Muslim refugees or it has a certificate from the Civil Liaison Officer that the vehicle can go empty. I was asked by Col. Viridi to approach the District Magistrate and to obtain his order by tomorrow.

6. The Assistant Director Medical Services laid stress the urgency of shifting the camp of non-Muslim refugees from the Cantt. area to some other locality. He wanted the civil authorities should pay special attention to this point.

Sd/-
Civil Liaison Officer,
Amritsar.

Col. Sher Khan's Report of East Punjab

I.O.R. MSS. Eur. F. 164/14 (From Sir Francis Mudie' Papers)

REPORT ON EAST PUNJAB SITUATION

General

I have now been in East Punjab for eight days. During this period as a result of my contacts with officials and non-officials, personal observations and information given by various individuals including political and social workers, non-Muslims agriculturists and businessmen, it appears that the civil administration is totally ineffective. I will enlarge on this statement in subsequent paragraphs.

Information

2.

- (a) Between 16 September when I first arrived and 21 September large scale attacks on Muslims in villages and towns were on a very much reduced scale. This was largely due to the fact that there were no Muslims left to be attacked. Attacks on refugees Camps and marching columns were fewer. Attacks on trains only occurred in Ambala, Jullundur, Ludhiana and Ferozepore Districts but on a reduced scale. Arson had practically ceased. Looting was going on a free for all basis.
- (b) Since 21 September attacks on refugees columns and trains have been intensified in the Jullundur and Amritsar Districts. Amritsar itself was particularly disturbed on night 21/22 September 22 and 23 September resulting in an unprecedented attack on a refugee train in which every occupant was killed, wounded or abducted and the train looted. Details of this are being submitted in a separate report.

Civil Administration

3. The Civil Administration is totally ineffective. I can say this with authority for Amritsar and Jullundur. I quote certain instances in support of this statement.
 - (a) Amritsar. On 20 September Comd 123 Bde asked the D.C. to impose a day curfew along the main road through Amritsar as he wanted to march the refugee column through that way. After the conference he turned to one of Bde staff and said, "I hope the people will observe the curfew." When the officer expressed surprise at this statement he went on "I know it will not be enforced. I have submitted my resignation if they do not remove me from here. In the meantime I am going on ten days leave and do not intend to come back." I have myself seen the police join in the attack and looting of the refugee train on 22 September. On 20 September the D.C. Nukl Sen, himself arrested two policemen attacking and looting the marching column. Mr. Zahid Omar, D.C.L.O. Amritsar was with the D.C. at the

time. On 22 and 23 September I went round a good deal to get some thing done about the attacks on the train and also to evacuate the wounded. I was twice informed by G.I.M.E.O. that Maj. Genl. Chimney was very worried about my safety and I must confine myself to my residence or shift to his bungalow.

- (b) *Jullundur* -- on 17 September at a conference presided over by the Governor, Brig. Bristow Commd 11 Bde made a very emphatic statement that the Police were not only ineffective but were taking an active part in attacks and looting. All other Bde comds agreed. The I.G. Police half-heartedly agreed but tried to explain the Police ineffectiveness as a result of over 50% deficiencies in number. The Governor then said, "I agree you are very much below strength, but those who exist, I would not be sorry if the Army shot them including their officers."

After the conference I heard the D.C. Jullundur tell Col. Shiv Dutt Singh that he had applied to go to Gurgaon as he could not stand his own officials not complying with his orders any longer.

A British officer of the P.A.V.O. Cavalry who was passing through Jullundur on 21 September saw the marching column being attacked in the city. He said he saw six policemen looting bullock carts.

From the above accounts and numerous other reports from several sources I have come to the conclusion that the civil administration is totally ineffective.

Military

4. The non-Muslim troops do not provide adequate protection for the trains or columns. They are adequate for minor attacks which they appear to beat off, but for any planned attacks on a large scale they are very conveniently away from the place of attacks. I have heard allegations of their joining in shooting or subduing any resistance but I cannot corroborate this. I have noticed that whenever marching columns trains or M.T. convoys are escorted by Muslim troops in sufficient strength all such convoys get through without any incidents or only long range sniping. I am therefore, of the opinion that even if the non-Muslims troops do not take part in shooting they certainly are in the know of large-scale planned attacks and conveniently deploy themselves in places where there is no trouble or arrive on the scene after the damage is done. This does not apply to Gurkha or Garhawali troops or to certain non-Punjabi troops, but if they are commanded by a non-Muslim officer other than a British Officer then their action is also not as vigorous as it should be.

I was told by G.I., M.E.O. and Miss Sara Bai that they knew about the attack on the train 1.5 hour before it took place and that they warned the Bde Comd. about it yet there were no troops at the time of the attack. They arrived after 1½ hours.

Future Appreciation.

The Political objective of the Akalis and R.S.S. Sangh apart from throwing the Muslims out of Punjab and India, would appear to be to discredit the Congress and any other democratic bodies and establish Facism. In this they seem to be succeeding in the

East Punjab by exploiting the present situation and fanning the anti-Muslim feelings.

The Sikhs from the West Punjab are very bitter against the Akalis for what has befallen them as a result of the Akalis policy. I have heard several Sikhs from the West Punjab begging the Sikh crowds in Amritsar on 23 September to stop killing Muslims. They said "You are not killing Muslims but you are killing us". It remains to be seen whether they will still feel the same after their families are safely across the border. Whatever their feelings towards the Muslims, the indications are that in the absence of an effective Government, there will be complete lawlessness in East Punjab for the next two or three months or even more. The attacks on Muslims convoys and trains will increase if not for killing, certainly for looting.

To conclude I would venture to point out that any retaliation in Pakistan would make the evacuation of refugees from the East Punjab extremely difficult. The excitement in Amritsar on 22 and 23 September was due to the attack on the train at Harbanspura. The safe arrival of these trains from West Punjab eased the situation on 24 September and it is hoped that the three trains now in Amritsar area will get through without very serious interference.

Sd/- M. Sher Khan
Ad. H.Q.M.E.O. Pakistan, Amritsar
24.9.47.

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Sir Chandu Lal Trivedi to S. Swaran Singh

D/ 269, Broadlands Archives

Immediate

D.O.No. 138 G.C.
Camp Jullundur
26th September 1947

My dear Home Minister,

I am most grateful to you for your letter of the 17th September (vide document no. 173) which was a reply to my letters of the 4th, 11th and 12th September. I did not think it necessary to write to you again because the general situation appeared to me on the mend. In fact, I was feeling for the first time a little easy in my mind on the 20th morning. All of us, however, have been disillusioned by the attacks on refugee trains, which have continued till the 24th. I do not yet know if anything untoward has happened yesterday.

2. I will now take up the points in your reply:-

(1) *Organisation behind lawless activities:*

I beg leave to differ from you. There is undoubtedly an organisation behind attacks

on refugee trains. Hundreds of people cannot collect together without some kind of previous arrangement. In fact, I am told that the arrival of some refugee trains is announced publicly by some people at Amritsar. I fully appreciate the efforts of Master Tara Singh and other Panthic leaders in the cause of peace, but I must put on record my view that the situation of general lawlessness, which has now developed, is almost beyond the control of leaders.

(2) *Propaganda.*

I fully agree with you that the propaganda may not have reached the masses to the same extent to which it would have been possible under normal conditions. In fact I go so far as to say that the propaganda in the cause of peace has not yet affected for good the minds and the activities of second and third grade leaders. I am glad you are considering and putting through ways and means to make propaganda more intensive, and I should be glad to know what these are. Speed is of the greatest essence in days of crisis. We all know that it is easy to reach decisions. Success will depend, however, not so much on decisions as on their implementation.

(3) *Police and Military action*

I know that H.P.M. and you have always impressed upon district officers the necessity of maintaining law and order but the proof of the pudding is in the eating. I am convinced that in certain districts very feeble attempts, if any, have been made to restore law and order. Amritsar is one district in point. Neither the D.C. nor the S.S.P., nor their subordinates have done anything effective. Both in Amritsar and elsewhere several officials are known to have partaken of loot. I know that it is our intention to take disciplinary action, but I am sorry to say that it is not being taken quickly enough. On this aspect of the matter I have addressed you separately, and will say no more about it. We will not be able to pull ourselves through this crisis unless the services are loyal, efficient, energetic, impartial and contented. We are all doing our best to impress this on the Services, and we may have achieved some measure of success. Speaking frankly I myself feel disappointed at the response which we have received. Officers still do not take firm, impartial and vigorous action, and also fail to show initiative. We must probe into this a little more and see whether we ourselves are anyway responsible for this state of mind. We must do nothing to weaken the authority of heads of departments, and must maintain discipline at all costs. We must make the services feel that their promotions and postings depend entirely on their own merit and are not influenced by any other consideration. Popular ministries are in this respect placed in a most difficult position and they are subjected to all kind of pressure and harassment by interested persons or parties and the efficiency of the administration will depend on the extent to which they rise above this pressure. As I have said more than once, softness to individual officers at this juncture means damage to the Public.

As a Government we have taken and may have to take unpopular measures to restore law and order. The kirpan a religious emblem, has been used as an instrument of killing, and sitreps are full of the abuse to which the sacred emblem has been put. I suggested in one of my letters to you the question of banning in public the wearing of kirpans of which the size exceeds 9" in length but when I broached the subject in the Cabinet Meeting of the 24th you

felt very strongly about it, and for the present I have left the matter at that.

3. I do not wish to say anything more about the activities of armed bands. It is to my mind the greatest pity that armed bands do not realise that for every Muslim they kill they are inviting retaliation on a bigger scale in the West. Somehow or other we must make the simple truth sink in their minds. The lives of at least a million and a half Hindus and Sikhs in West Punjab are in reality at the mercy of these armed bands in the East. It is their actions which lead to killing in the West. One may say that killings in the East are due to killings in the West, but I have always taken the view that we as a Government must put our house in order first, and that results in this direction would only be achieved if we look at what is happening on our side, and try with determination to put down lawless activities. I fully realise the very strong feelings among refugees from the West, but these feelings cannot and ought not to determine our policy. In fact, we ought to do something effective to soothe the refugees and divert their minds and thoughts. We must go and talk to them and get them into a better frame of mind. What are we or our non-official agencies doing in this direction. So far as I can see, nothing very much is being done. Many of our own officers, and officials who have come from the West, and possibly others too, have developed an undesirable complex as the result of events in the West. We have to see that they get rid of this complex, and, as, you know all of us are doing something in this direction. We of course, require the cooperation of all superior officers, but I am sure we have not yet succeeded in getting it in full measure. Even we ourselves sometimes fail to rise above this complex. The times are such that any weakness or hesitation on our part would be fraught with serious consequences.

4. I am very glad that both H.P.M. and you agree with me on the question of Hindu-Sikh unity, but I should not disguise from you my impression that in spite of what we feel things are not all right. In particular, there is a great deal of nervousness among Hindus of Amritsar city, and business is getting ready to leave. Hindus there are feeling insecure, and I have heard it said that revenue and police officials are advising them to leave. We have got to do something about this and reassure the Hindus of Amritsar, and in fact Hindus generally, by a public statement. I should further add that paragraph 7 of Thapar's letter on the subject of rehabilitation of Hindu and Sikh refugees from West Punjab has led to a great deal of misapprehension. That letter was not shown to me before issue, nor was I in any way consulted about it. An important matter like that should have been discussed at a formal meeting of Government, and in fact I was considerably surprised when I came to know of the issue of the letter. It now appears that the letter was issued on insufficient and inaccurate data, and that it will need revision. I would have instantly spotted its weak points if I had been consulted about it. The future of this province rests on developing Hindu-Sikh collaboration, and if either by design or by accident the relations between the two communities get strained, there is no future whatsoever for this province, and the next phase of lawlessness, which is in fact developing, will be worse than the present phase.

5. I have again written to you very frankly in this matter, because so long as I am here I feel that I must let my colleagues know exactly what I think, and also because when I was transferred to this province the Dominion Government hoped that I would be of help to my

colleagues in steadying the situation and in rebuilding the province. The immediate task is to improve the law and order situation, to look after the refugees, both Muslim and non-Muslim, adequately, and to rehabilitate the Hindus and Sikhs from West Punjab and to raise our general administration from the low level it has sunk into at present. Only when we have done this we will have time to think of all our plans for rebuilding the province. The sooner we are in a position to do so the better it is for the future. The province looks to us all for restoration of law and order, and for its development on sound and harmonious lines. If we fail in this task we will have failed the Province, but I am sure all of us are determined to succeed. That success will not come until we translate into actual practice all the twenty-four hours of our daily lives the good resolutions which we make. As I have said to my colleagues more than once, whatever knowledge and experience I have are entirely at their disposal. I shall not spare myself, and all I ask for and have indeed obtained in a large measure is confidence and cooperation.

6. I am sending a copy of this letter to the Honourable Prime Minister.

Honourable Sardar Swaran Singh,
Home Minister, East Punjab.
Camp Jullundur.

Yours sincerely

(C.M. Trivedi)

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M.A. Jinnah, Governor General of Pakistan to
Sir Francis Mudie Governor of West Punjab

I.O.R. MSS Eur. F-164/15

No. 1563-GG/47

Government House,
Karachi.
1st October, 1947

Dear Sir Francis,

Many thanks for your letter of the 23rd of September,* and I have read it with very great interest indeed your very free and frank estimate of the situation which has helped me considerably in forming my conclusions.

It is a great satisfaction to see that in most of the matters mentioned by you, you only confirm my reading of the situation.

I am glad that Liaquat is now in Lahore. We have discussed various matters for hours and considered all the pros and cons and we have laid down certain lines according to which we want to proceed. I am now awaiting his report.

I am seriously thinking of coming to Lahore myself.

I have received the enclosure - photograph letter and also the report** of Col. Sher

Khan with your covering letter of the 25th of September. Many thanks for it.

Yours sincerely,
Sd/- M.A. Jinnah

His Excellency Sir Francis Mudie
K.C.S.I., K.C.I.E., O.B.E.,
Governor, West Punjab,
Government House, Lahore.

* See Document no. 175.

** See Document no. 178.

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Chief Liaison officer, East Punjab Govt. to Chief Secretary West Punjab Govt

P.B.R. CF.-404-ER-47, page 1-2

No. 247/30

Dated Lahore the 4th October 1947.

Sir,

I have the honour to say that the following information has been received in connection with the plight of non-Muslims in most of the districts in the Western Punjab:-

- (a) In Lyallpur district havoc has been played with the lives and property of non-Muslims in Tandlianwala, Toba Tek Singh, Kamalia, Gojra and Jaranwala.
- (b) In Shahpur District most of the population of non-Muslims in the villages of Miani Mitha Tiwana, Roda, Giro, Nurpur Thal, Jabbi, Bundial, Adhikot, Ghan, Rahdair, Ukhli Moha, Warchha, Choha, Abdel, Fatehpur and Rawan has been converted. A number of non-Muslims are reported to have been murdered in village Khizarabad and their property looted.
- (c) In the district of Sheikhupura the Baluch Regiment is reported to have opened fire at the refugees who had gathered at the railway station of Sacha causing many casualties.
- (d) Heavy casualties were inflicted at many places in the district of Gujrat and licensed arms were seized from non-Muslims in Mandi Baha-ud-Din.
- (e) In the district of Dera Ghazi Khan people concentrated at Teunsa, Jampur and Dera Ghazi Khan have been surrounded by unruly mobs and all sorts of atrocities are being committed. To render evacuation of non-Muslims impossible the steamer has been damaged and ferry service between Dera Ghazi Khan and Ghazi Ghat dislocated.
- (f) A larger number of non-Muslims including women and children have been butchered in Jhelum on 26th September 1947, and great panic prevails. The remaining non-Muslim population is huddled up in one mohalla of the town.

- (9) In Lahore proper there is hardly a day when no serious incident takes place. The policy now being followed by the local authorities in the matter of removal of personal effects by non-Muslims tantamounts to refusal to let anyone to take away any property. This has caused very great hardship and deserves immediate attention. The matter may kindly be taken up at your earliest convenience and I may be informed of the action taken.

2. The lives of non-Muslims throughout the Western Punjab appear to be unsafe and unless effective steps are immediately taken to control the situation it will become most difficult to evacuate non-Muslims.

I have etc.,
Sd/-
Chief Liaison Officer,
East Punjab Government,
Lahore.

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Order of the Day by Brigadier Mohinder Singh Chopra

M.E.O. Records NO 10899/H Vol. II

To:- All Units under Comd.

1. On assuming command of 123 Inf Bde I would like to give you a line on the future role of this formation.
2. I appreciate the strain under which all of you have worked during the past six weeks and the tempo has by no means lessened. During this short period you have achieved good results under difficult conditions and the very greatest credit is due to you.
3. I expect and demand still greater effort from all of you. Now is opportune moment for all of us to work ceaselessly for this humanitarian end. We must not hesitate to make supreme sacrifice in the interest of the service and the country.
4. It is agreed on all hands that PEACE should be restored without delay and that law and order must be established and maintained at any cost. It is up to us- the rank and file- to leave no stone unturned in fulfilling this sacred and honourable undertaking.
5. We must dominate AMRITSAR District and secure the unflagging confidence of the public through civil authorities and village headmen. We must convey our determination to put down ruthlessly the spasmodic orgies and the consequent reactions.
6. Be an enthusiast, and go forward with the task of restoring peace and tranquility

and foster brotherly relations, Remember that the only way to ensure the safe evacuation of your kith and kin is to allow Muslim convoys to go untouched and unmolested. It is therefore the bounden duty of all members of the Army to give a fitting demonstration of this unity of purpose by ensuring the safety of outgoing Muslim convoys.

7. So march on notwithstanding the obstacles and other deterrents. I feel confident that 123 Inf Bde endowed with grim determination need fear nothing.

It is now up to you to strive harder than ever before and I have no doubt that you will succeed.

Sd/-
Brig. COMMANDER.
123 INFANTRY BRIGADE. B

AMRITSAR
11 Oct '47.

Copy to: East Punjab Area,
Tac HQ MEO (Ind) Lahore
Main HQ MEO (Ind) Amritsar,
Lahore Area. DC Amritsar
SSP Amritsar.
(one copy to A/o
(one Copy to G

Sd/-
15/10.

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Raising of Military Evacuation Organisation

Military Evacuation Organisation by Brigadier Rajendra Singh, p.172.

IMMEDIATE

No. 00509/1/Org. 1. (a)
Army Headquarters, India
Adjutant General's Branch
New Delhi the 18th Oct. 1947.

To

H.Q. Military Evacuation Organisation, Amritsar. Raising of Military Evacuation Organisation India.

Memorandum

1. Military Evacuation Organisation India was set up at Amritsar with effect from 1st September, 1947. This formal letter is issued to regularize the raising of the Organisation.

Authority for Raising

2. Ministry of Defence Letter No. 00508/Org. 1(a) dated 9th October, 1947.

Establishment

3. Establishment of the Organisation is as set out in Appendix 'A' to the Ministry of Defence letter quoted in para, 2 above. (No enclosure was found).

Role

4. This Organisation is responsible for the evacuation of refugees.

Provision of Personnel

5.

- (a) Officers, Other Ranks & Civilian Ministerial Staff were provided under arrangements made by this H.S.
- (b) One Provost detachment was attached to the Organisation.
- (c) Five special civilian Transport Units were to be raised by the Evacuee Organisation and attached to it. Formal raising instructions are at Appendix 'B'
- (d) Civilian & NCsU.- Recruited locally.

Equipment and Clothing stores etc.

6. Provided under arrangements of DQMG Army H.Q. India.

Accounts.

7. From the date of raising all accounts will be maintained as follows:-

- (a) Officers. - To be paid by the Officers Account Branch of FCMA Poona.
- (b) Military Supervisory Personnel - The Accounts will continue to be maintained on the System of pay accounting.
- (c) Civilian and NCS (U) - To be paid by the CM A Comd. concerned under normal rules.

Medical Stores.

8. Arrangements for the provision of Medical Equipment was made by DGMS Army

H.Q. India.

General

9. All documents Vouchers etc. in respect of the raising of this Organisation are to be marked:-

In aid to Civil Power

For Deputy Adjutant General

Command (15).

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Raising of Civil Transport Companies

*Military Evacuation Organisation by Brigader Rajendra Singh
Appendix 15, p 226-227*

No. 00509/2/Org. 1. (a)
ARMY HEADQUARTERS, INDIA
Adjutant General's Branch,
NEW DELHI, the 18th Oct, 1947.

To

HQ Military Evacuation Organisation, AMRITSAR

Subject:- RAISING OF 5 SPECIAL CIVILIAN TRANSPORT COMPANIES FOR
ATTACHMENT TO THE MILITARY EVACUATION ORGANISATION,
INDIA.

Memorandum

1. 5 Special Transport Coys were raised w.e.f. 1st September 1947 for attachments to the Military Evacuation Organisation.

2. Authority for raising - Ministry of Defence letter No. 00608/AG/Org. 1 (a) dated 9th October, 1947.

3. Establishment - The Establishment per company is as under:-

- (a) Supervisory Staff.
 - 1 Officer
 - 6 VCOs
 - 2 Clerks

- 19 NCOs
- 10 Sepoys and 6 spare
- 14 Coolies/ Water carriers
- 6 Fitters
- 3 Electricians.
- (b) Remainder of personnel and vehicles to be arranged locally under instructions of Comd. Military Evacuation Organisation.

Provision of Personnel.

- 4.
 - (a) Officers:- Have been provided by DQMG (S&T Dte) Army Headquarters, India, and M.S. India.
 - (b) Military Supervisory Personnel- Provided under arrangements of this HQ.
 - (c) Civilian Personnel - To be recruited locally under arrangements of Military Evacuation Organisation.

Administrative Instructions.

- 5. Administrative Instructions to be issued by HQ Military Evacuation Organisation.

Deputy Adjutant General

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Convoy Commanders Report

M.E.O. Records No 10899/11 Vol. II

Convoy Commander Jem. R. KRISHNA 505 Civ. Bus Coy. ASR.

Destination: LAHORE

DATED. 20th October, '47.

I was the Convoy Commander of 15 Civ and 2 Mily Vehs. which proceeded to Lahore on 19th Oct '47. I have loaded 15 vehicles with Muslim refugees from Indiala Camp dismissing one defective vehicle which belonged to 303 Civ Bus Co. , on, the way to Jandiala. On the way at Mile stone 16, Lahore Road one more vehicle broke down and detained it there itself under an escort.,

The convoy reached Lahore at approximately 1400 Hrs. and I reported to HE MEO (I) Lahore for further instructions. Vehicles were unloaded at Walton Trg. School where the Muslim refugee Camp was, and then returned to DAV College from where I loaded Hindu refugees for ASR. After consulting with the Refugee Officer Mr. Brij Lal, B.A.L.L.B, I started for Amritsar.

The condition of the refugees was pitiable and the sanitation of the camp was very poor. It would be appreciated if the camp authorities take interest to improve the conditions. 75% refugees were lying either sides of the road without any shelter. I was provided with 2 Volunteers to load the load of the vehicles, but it was not sufficient and was also impossible to load without proper control, for which I have put the escort to control as well as to help loading. After obtaining, a receipt from the refugee officer I left the place.

The drivers were issued with 2 days' dry rations but no cooking utensils were given and neither there was time nor arrangement to cook the food.

At about 2230 Hrs. I reached Attari where Chappathi and dal was distributed by some Hindu volunteers to the refugees, which was indeed a great help to them, I could load about 450 refugees with their belongings and a large number is still awaiting early evacuation which I think would be a 150 lorry load. Reaching the refugees Camp on the 3rd mile Amritsar Lahore Road I unloaded them and there was no complaints.

With due respect I beg to state that I was sent on Convoy without arms. I further state that we are issued sten Guns, but no ammunition. It would be much appreciated and more helpful if the convoy commanders are issued with arms and ammunition.

I have nothing further to state.

Sd/-R. KRISHAN,
JEM.

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**Joint Evacuation Movement Plan
20th Oct. 1947**

Military Evacuation Organisation by Brigadier Rajendra Singh, Appendix 16, p. 184.

1. The Muslim population of the East Punjab and the Punjab States now within the Dominion of India, according to the 1941 Census, was about 53 lakhs, the non-Muslim population of the West Punjab was 38 lakhs of which 15 lakhs were Sikhs and 23 lakhs Hindus.

2. It is estimated that 21 lakhs of Muslim refugees have moved into the West Punjab since 1st August 1947 and that during the same period 20 lakhs of non-Muslims have left for the East Punjab. The balance to be moved is therefore about 32 lakhs Muslims and 18 lakhs non-Muslims.

3. This plan is based on the assumption that all Muslims in the East Punjab and the Punjab states excluding Bahawalpur, wish to enter Pakistan and that all Hindus and Sikhs in the N.W.F.P. and the West Punjab wish to leave. This is not entirely correct and the numbers to be moved may therefore be less than those shown.

4. The Pakistan Government do NOT desire any special facilities to be provided for

Muslims, from areas other than the East Punjab and the Punjab States, to enter PAKISTAN, except for Government Servants and their families.

5. The object is to move the balance of the evacuees from East Punjab and the Punjab States (excluding Bahawalpur) into PAKISTAN and those from N.W.F.P. and West Punjab into INDIA, as soon as possible.

Method

6. Foot convoys will be used to move the bulk of the rural population, especially those who are still in possession of their bullock carts and cattle.

7. Motor Transport convoys will be used by Pakistan MEO to deliver food to the foot convoys and other famished camps. Both MEOs intend to use MT to clear small pockets and to help the progress of the foot convoys by lifting the women, children, sick and aged. The extra lift obtained by this method is therefore small, but it is none the less important and will save many lives.

8. Railway trains will be used to move urban populations, rural people who have no bullock carts or cattle or who are unfit to walk. Each train will carry at least 2500 people and the total lift is considerable.

9. Aircraft may be used, if available, but only a small lift is to be expected by this method.

Route for Foot Convoys.

10. The following routes have been agreed by representatives of both Dominions:-

- (a) GRAND TRUNK ROAD. (Jullundur-Amritsar-Wagah) - For Muslim foot convoys from Jullundur and Hoshiarpur Distts. After this Movement has been completed this route will be used by MEO India for dispersal from AMRITSAR.
- (b) ROAD LUDHIANA-FEROZEPUR-KASUR.

- (i) For Muslim foot convoys from Ludhiana, Ambala Karnal and Ferozepore Districts and from Malerkotla, Sindh, Nabha and Patiala States.
- (ii) In the reverse direction for the exodus of Sikh foot convoys from Lyalpur and Sheikhupura Districts. Until this movement is finished traffic control over the Sulej Bridge will be arranged by E. Punjab Area.

N.B. These convoys will be given the choice of moving via Khem Karan or via Ferozepore.

- (c) DERA BABA NANAK-NAROWAL - For Muslim foot convoys from KANGRA and GURDASPUR Districts and SUKET State.

- (d) VIA SIRSA AND SULAIMANKE. - For Muslim foot convoys from HISSAR, ROHTAK and GURGAON Districts.

Details of the numbers of Muslims to be moved by each route are shown. The number of Sikhs remaining to be moved by foot convoy via Khem Karan or Ferozepore is about 3 lakhs.

Arrangements for M.T. Movement.

11. All Motor Transport Convoy will be used to carry evacuees in both directions. Empty running will not be permitted except when there are no evacuees within five miles of the starting point of the convoy. Detailed instructions to enforce this principle will be issued jointly by MEO India and MEO Pakistan.

Arrangements for Rail Movement.

12. NWR and EPR will contribute 12 and 20 rakes respectively to form a pool of stock for refugee movement. It is expected that this will provide stock for running 5-6 trains daily in each direction between the East and West Punjab.

13. The point of departure and destinations of trains and priorities will be laid down by MEO India and MEO Pakistan jointly. This will provide stock for running normally to be done by issuing a mutually agreed programme on the 7th, 17th, and 27th of each month for the ten day period beginning on 11th, 21st and 1st.

14. A "REFUGEE RAIL" Control will be up in Lahore with functions in respect of refugee and evacuee movement similar to those of MILRAIL in respect of military movement. This control will make the detailed arrangements required to implement the priorities laid down in the joint MEO Programme.

Duration of Movement.

15. The average speed of movement in accordance with this plan is:-

By rail - 15,000 daily (6 trains) between East and West Punjab in each direction.

By road-1 lakh every 3 days on each route in use from the time the first of the marching column arrives.

By M.T. - The effective daily lift is:-

Muslims - 800

Non-Muslims - 4500.

The difference is due to the non-Muslim evacuees not requiring the aid of M.T. for foot convoys (i.e. for lifting people already included in the total of the foot convoy).

17. The train programme for both Muslims and non-Muslims will take 70 days to

complete and the M.T. programme 46 days (From 20 Oct. 47)

18. The movement of the non-Muslim foot convoys will be finished within 12 days.

19. The movement of the Muslims foot convoys on the various routes could be finished in 35 days provided that it begins on all routes simultaneously:-

- (a) Grand Trunk Road -17 days from 15 Oct-31 Oct.
- (b) Sirsa Sulaimanke Route - 30 days from 21 Oct-19 Nov.
- (c) Ludhiana-Ferozepore-Kasur - 33 days - Date of start not known yet.
- (d) Via Narowal - will be finished by 31st Oct.

The shortage of troops for protection of the marching columns is however likely to cause delay on (b) and (c) and the importance of providing these troops at a very early date cannot be over emphasised.

Comparisons Between Rates of Evacuation.

20. The Rail and M.T. Movement Programmes for Muslims and for Non-Muslims takes the same time in both cases. The non-Muslim Foot Movement (under 4 lakhs) will however be completed by the end of October whereas the Muslim Foot Movement (about 20 lakhs), even if it began on all routes immediately and was carried out without any hitch will not be completed until towards the end of November. An estimate of the numbers which will remain to be evacuated at various periods is given below:-

	Muslims	Non-Muslims
At present	32 lakhs	18 lakhs
On completion of Non-Muslim foot convoy (approx. 1 Nov.)	24 lakhs	12 lakhs
on completion of Muslim foot convoy (estimate on 30 Nov.)	5 lakhs	6 lakhs
On 15 Dec.	2.5 lakhs	3 lakhs
On 31 Dec.	NIL	NIL

Protection and Administration.

21. The Dominion from which the evacuees are moving is responsible for their protection and for the provision of food, water and fodder for their cattle until they arrive at the boundary, food will be provided either by permitting the departing evacuees to take

sufficient for the journey in their carts or, failing this, by direct issue.

22. The discharge of these responsibilities and the observance of the agreement between both Governments that searching of evacuees will NOT be carried out is essential for the successful operation of this plan.

Sd/- H.M. MOHITE
Brig.
Comd. M.E.O., INDIA

F.H. Stevens
Brig.
Comd. M.E.O., PAKISTAN

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Rail Movement M.E.O. Programme (Non-Muslims) from West Punjab 1 to 10th November, 1947

Military Evacuation Organisation, p. 232

	Trains
1.	
(a) From Rawalpindi to Jullunder City one train daily on 1st to 6th November	6
(b) From Wah to Jullundur City. One train daily on 7th to 8th November	2
(c) From Chakwal to Karnal. One train daily on 9th November	1
(d) From Jhelum to Rohtak. One Train daily on 10th November	1
2. From Muzaffargarh to Jullundur City. One train daily on 1,2,3, and 6th November	4
(3)	
(a) From Khanewal to Rohtak. One train daily on 1 and 9 November	2
(b) From Khanewal to karnal. One train daily on 2nd and 10th November	2
4.	
(a) From Jhang Maghiana to Ludhiana. One train daily on 1, 5th and 9th November	3
(b) From Jhang Maghiana to Ambala Cantt. One train daily on 1, 3 and 5th November	3
5.	
(a) From Lyallpur to Maler Kotla. One train daily on 1, 3 and 5th November	3
(b) From Lyallpur to Patisala. One train daily on 2,4 and 6th November	3
(c) From Gojra to Maler Kotla One train daily on 7th November	1
(d) From Gojra to Patiala. One train daily on 8th November	1
(e) From Kamalia to Maleir Kotla. One train daily on 9th November	1
(f) From Kamalia to Patiala. One train daily on 10th November	1

Deputy High Commissioner Lahore to Foreign Minister, India*P.B.R. C.F. 315-ER-47 Page 22 (Vol. I)*

Cypher telegram O.T.P.

From Deputy Hicomind Lahore.
 To Foreign, New Delhi.
 No.65 dated the 28th October, 1947.

Immediate

From Sampuran Singh. In continuation of Mr. Panjabi of telegram No. 64 dated 27th October regarding the Jassar incident. Several official versions have been received since 24th October. The original report of the District Liaison Officer who visited the spot and was in touch with the situation from the beginning, is being sent by mail. In the absence of official enquiry it is difficult to say whether the attack was pre-meditated, but the fact the military trucks, which did not accompany the train, were seen carrying off loot, seems to lend colour to the view that the attack had official inspiration. Brigadier Panjpe was not allowed to visit the spot, while the report conveyed to me personally by Mr. Moss, Pakistan Refugee Commissioner, that only thirty evacuees and fifty raiders were killed is grossly inaccurate. It is believed that the Pakistan Government are to institute an enquiry into the incident. In my view this should be done in conjunction with the Indian Government. I am writing to the West Punjab Government accordingly.

The hospital arrangements at Amritsar were not satisfactory. The executive were preoccupied with controlling the situation in the district, while the doctors could not visit the spot for want of petrol.

Reference your telegram 8527 dated the 11th October regarding the appointment of senior liaison officers at barriers and civil aerodromes to prevent trouble over searches. I approached the West Punjab Government on this matter, but they said they could not spare senior officers for this work. I am sending their letter in original to you in case the Government of India wish to take further action in the matter.

Please note that letters dated the 5th and 19th Sept. have just reached me.

Finding of Court Martial Regarding Jassar Train Incident*P.B.R. C.F. 315-E-47*

The Court having considered the evidence before them give their opinion as stated below:-

1. ROUTING OF THE TRAIN

- (a) Originally orders were given by Brig. Stevens I/C Refugees transportation for the train to be routed from Sialkot to Jassar, Orders were issued accordingly by D.Q. (Rail) M.E.O. Pak to the Railway Control Office Lahore on 22nd Oct. who passed them on at 1510 hrs. to the Station Master, Sialkot. who in turn passed the information to H.Q. Sialkot Sub Area. The court is satisfied that these were the only orders received in Sialkot either by the Station Master or by the Military, and were duly acted upon.
- (b) The Indian M.E.O. represented to Pak. M.E.O. that the train should go via Wazirabad Lahore on the evening of 22nd October, Order were issued by D.Q. (Rail) Pak to Railway Control to halt the train at Sialkot while the matter was referred to Brig. Stevens. The latter issued orders for re-routing of the train via Lahore at about 10.00 hours. On 23rd October both these orders failed to reach Sialkot as
 - (i) D.Q. (Rail) M.E.O. Pak gave the order to Railway Control Lahore. (It is to be noted that D.Q. (Rail) had only just taken over the appointment and did not realise that Sialkot was not controlled by Lahore Division).
 - (ii) Railway Control Lahore were unable to get through to Sialkot to pass the message owing to trouble with their ordinary telephone.

The Court consider that the D.Q. (Rail) M.E.O. Pak should have informed Sialkot Sub Area direct and the Railway Control Lahore should have informed D.Q. (Rail) M.E.O. Pak when they were unable to pass his messages to Sialkot. The Court further consider that D.Q. (Rail) cannot be held negligently to blame as he was new to his job and had acted in good faith.

The Court also consider that in view of

- (a) the orders received by the Station Master Sialkot,
- (b) the fact that many previous evacuees trains had passed through Jassar without undue molestation.
- (c) the fact that the India Dominion was sending Muslim refugees by that route. that Sialkot Sub Area were not at fault in not querying the routing of the train.

2. THE MOVEMENT OF THE TRAIN

Information regarding the arrival of this particular rake was first received in Sialkot by the Station Master at 15.10 hrs. on 22nd October. The rake actually came in at about 22.00 hrs. Loading commenced at about 0615 hrs. on 23. The train left Sialkot at 00.00 hrs. and reached at about 11.30 hrs.

The court considers that

- (a) the decision not to load train during the night 22/23 Oct. was sound.
- (b) the despatch of the train early next morning was perfectly reasonable.

- (c) no undue delay occurred in moving the train to Jassar except that its speed between Narowal to Jassar may have been less than normal.
- (d) adequate escort was provided of mixed troops upto Jassar.

3. ACTION AT JASSAR

The evacuees and their kits were unloaded just beyond Jassar Station on the night of the railway track. This took about an hour. During this time, adequate protection was afforded by the 16 P.R.O. train escort and by platoon from 512 Garrison Coy under Major Khan and a small detachment of about 2 and 6 from 15 P.R.C. under Major Shah.

The court considers that

- (a) Some collections of armed villagers and undoubtedly followed the train from Norowal towards Jassar and must have been in the vicinity. They do not consider that there were any armed Musalmans under the railway bridge as stated by the 9th witness.

The court noted on the ground that the 9th witness could not have seen under the bridge from where he was standing due to an intervening bank. The court also accept the fact that had they been there they would have been seen by Major Shah and Major Dunn.

- (b) Major Shah and Major Khan were unaware at this time that these collections of men were in the vicinity as they had gone ahead by truck and so would not have seen those who followed the train.
- (c) Major Shah and Major Khan were in no way in collusion with the villagers
 - (i) Major Khan had only arrived that morning.
 - (ii) Major Shah would not have called in Major Khan's platoon if he had been in collusion with the villagers.
- (d) Major Khan was justified in not accepting the full command of the escort hence major Shah must be considered as the Escort Commander.
- (e) Although the evacuees had been warned not to take more kit than they could carry most of them had in fact taken more and the surplus had to be discarded at Jassar.

4. ACTION UP TO THE END OF THE FIRST ATTACK.

At about 1300 hrs. the convoy began to move off. When the head of the convoy had got just across the Basantar Nala and some were still in assembly area, a few Mussalman villagers appeared out of the Sugar Cane about 100 yards ahead of the convoy threatening to attack it. The Escort, which consisted of one pl. of 512 Garrison Coy and a detachment (2 NCOs and 6 men) of 15 P.R.C. opened fire on the attackers. It is probably that two or three were hit. The evacuees threw down their kits and ran back to the assembly area. More villagers were seen trying to cross the railway from the left.

The court considers

- (a) that the escort fired on the attackers with the intention of killing them.
- (b) that one of the refugees may have been killed by rifle fire from the attackers or possibly by accident from the Military and one died from natural causes.
- (c) that until now the escort was adequate. based on the information of the escort Commander.
- (d) that there was no need for the 16 P.R.C. detachment to open fire Nor could they have done so without risk of injuring the evacuees.

5. *ACTION UP TO THE END OF THE MAIN ATTACK.*

After the first attack both officers considered that reinforcement were required, especially in fire power, and action was taken to obtain them from the Ravi Bridge and Narowal. After about 45 minutes, one V.C.O. and 18 men with 3 Bren guns arrived from the Ravi Bridge and Major Shah decided to start again. He also knew that a further 2 N.C.O's and six men were coming along the railway. During this time there had been some firing on villagers at fairly long ranges on the left of the Railway. Major Shah decided to take the convoy along the old main road as there were fewer crops close to it. The convoy had gone the best part of a mile when it was attacked. On this occasion the attackers got into the middle of the convoy and succeeded in killing or wounding a number of evacuees.

The court considers that

- (a) Major Shah was justified in moving the convoy again when his reinforcements arrived and that it was not necessary to call on the 16th Punjab Platoon.
- (b) Major Shah was technically correct in deciding to move the convoy by the old main road.
- (c) the disposition of the escort in front of and on both sides of the convoy was reasonable. It would tectically have been better if Bren guns had been placed on the ground to cover the likely points of attacks and patrols went through the crops near the road to make sure that all was clear.
- (d) the escort did not fire deliberately on the evacuees and that those evacuees killed or wounded by bullets were so hit by accident in the general mix up. The bayonet does not however appear to have been used.
- (e) The ground where the attack came in is fairly open and it is considered that more of the attackers should have been killed than actually were. In view however of the number of attackers it is not considered that the escort available could have prevented them from getting into the convoy.
- (f) A certain number of women were undoubtedly seized by the attackers and taken away.

6. *ACTION AFTER THE MAIN ATTACK.*

The leading portion of the convoy had run forward during the attack and were escorted to the Ravi Bridge. The rear portion was brought up by Major Khan and Major Shah. No

further attacks were made on the convoy during this period.

The court considers that during this period one or two of the escorting troops did remove valuables from the refugees.

The court notes that a detachment of I.N.C.O. and 3 men were sent to collect any wounded or any children and that the personnel of 15 P.R.C. returned along the evacuees route. It is considered, however, that more action might have been taken that night to collect wounded or stragglers from the crops.

7. ACTION TO LOOK AFTER THE EVACUEES KIT.

(a) *At Jassar.*

No action was taken to look after the evacuees at Jassar. The court considers that this should have been done by the train escort from 16 P.R.C.

(b) *On the convoy routes.*

Again no action was taken as there were insufficient troops to leave behind.

(c) *Subsequent action on both the above.*

(i) One section from 512 Garrison Coy was sent from Narowal to look after the kit.

(ii) Major Khan sent information to the Tehsildar Narowal.

(iii) There were 3 police constables on the spot who also helped to guard the kit.

(d) *The court considers that*

(i) Some of the kit was undoubtedly looted.

(ii) Major Khan took what action he could to look after it.

(iii) The Police when informed also made necessary arrangements.

(e) *The court also notes that*

(i) Many of the refugees had opened their kit to take out essentials before they moved off and left the balance scattered about.

(ii) That balance has been collected by the Tehsildar Narowal and is now in safe custody at Narowal Station.

8. CASUALTIES ETC. EVACUEES.

(a) the number of men, women and children who left Sialkot was 3569.

(b) The numbers counted by the 18th witness as having reached India were

23-25 Oct.	3405
29 Oct.	23
31 Oct.	23
	<hr/>
Total	3451

(c) the numbers still known to be on the Pakistan side at Narowal hospital:-

Dead	7
Living	23
	<hr/>
	30

(d) The number of dead evacuees reported by the Police was . . 35

(e) Therefore the total is made up as follows:-

(i) Living . .	3474
(ii) Known dated . .	42
iii) Unaccounted for	53
	<hr/>
Total	3569

(f) Of those living the following have suffered major or minor injuries:-

(i) In India	460
(ii) In Narowal	19
	<hr/>
Total	479

(g) Of the injured mentioned in para (f) above, the following had been hit by 303 bullets:

(i) In India	5
(ii) In Narowal	3
	<hr/>
Total	8

(h) Of the dead mentioned in para (e) (ii) above the number killed by bullets was four. Four others had no injuries but had died from natural causes.

9. CASUALTIES ETC. ATTACKERS

The known casualties amongst the attackers were as under:-

	killed	wounded
Notified by 11th witness	7	7
Notified by 24th witness	3	7
	<hr/>	<hr/>
	10	14

There were all from the effect of rifle fire. The religion of this total was:-

Mussalman	23
Christian	1
	<hr/>
	24

From the statements of witnesses on the spot, there were undoubtedly a considerable number more who were killed or wounded. No accurate figures however can be produced as the majority of the attacker's casualties were probably taken away and buried or treated by their relatives.

10. CAUSALITIES - ESCORT

The Court is completely satisfied that there were no casualties amongst the escort- neither Mussalman nor Dogra nor Sikh.

11. ACTION BY CIVIL

No action appears to have been taken by Civil or by Police. The D.C. had been warned that the convoy was due to move on 22nd and 23rd October. This was subsequently cancelled and information was given for 24th and 25th October. No information was however given to the D.C. on the events of the 23rd October when the firm time of departure was known.

12. The court make the following comments on various points given in evidence by witnesses.

(a) 9th Witness 8677 Gandhara Singh

The court have disagreed with this evidence over two important points.

- (i) the Mussalman villagers to be under the Railway Bridge.
- (ii) the numbers of casualties given by him (i.e. 8 killed and 5 wounded) during the first attack.

There were undoubtedly exaggerations but it is not felt that he was deliberately trying to mislead the court.

(b) 12th Witness Dhan Singh.

The witness's statement that 1700-1800 refugees had been killed were probably due to the fact that he had received a severe blow on the back of his head and was partially stunned. The same way he said about his ideas on where the convoy was attacked.

(c) 13th Witness Kanshi Ram.

The narrative of the attack given by this witness who was an evacuee tallies in with that given by the escorting troops.

(d) *20th Witness Maya Devi*

The Court was unable to identify the Military referred to by this witness.

(e) *21st Witness Shakuntla Devi.*

This witness was quite certain about the cap and badge of the 15 Punjab Regiment.

(f) *23rd Witness - The Rev. Masih and the 8th Witness Jamadar Gulzar Mohammad.*

These witnesses give the court the only indication that could be discovered as to who had instigated the villagers when they mentioned a Police man going round telling the villagers to attack the train. In neither case is the information very definite but it is indicative that the information regarding the move of the refugees had leaked out to the villages.

13. Though there may have been instances of a few of the troops not having done their duty by firing unaimed shots, the court is satisfied that the conduct of the troops was generally satisfactory.

14. The Court wishes to record that they are unanimous in the above findings.

Dt:- 3.11.1947.

President Sd. J.R. Connor Col.
Member Sd. Teja Singh Capt.
Member Sd. Subah Sadiq Capt.

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D.C. Rohtak To Governor East Punjab

P.B.R. C.F. 679-ER-48 page 79

Copy
Date
08

Wireless Message
Time of Origin
1302

From

D.C. Rohtak.

To

Governor, East Punjab, Simla.

Reference:- Wireless No. 478-GEp dated 7th November. It is incorrect that Muslims evacuating for Pakistan are ordered to hand in their arms. I have requisitioned all available weapons got deposited by my predecessor from Hindus as well as from Muslims for arming special Police constables to guard convoys and evacuated villages and towns. Yesterday two special trains left for Pakistan. No search conducted in foot convoys. Suspicious persons only less than one per cent searched. Contacted evacuees myself. No complaints of any removal of valuables. All existing orders being observed.

Continuation of my wireless to date in reply to yours No. 478/GEp. Old people and sick being carried in lorries and bullock-carts. Arrangements for medicines, fodder, drinking water, veterinary in this district more than adequate. Gurgaon convoy strength 11000 carrying over five thousand cattle. Arrangements adequate at every halt.

191

Strength and Composition of Boundary Force

Constituent Assembly of India Debates (Legislative) Vol.I, p-201-204.

126. * *Giani Gurmukh Singh Musafar*; Will the Honourable Minister of Defence please state the strength of the Boundary Force, the various regiments represented therein and the composition of the Force according to communities and the name of the Commander?

The Honourable Sardar Baldev Singh: I lay a statement on the table of the House.

Statement showing the strength of the Punjab Boundary Force.

The strength of this Force was approximately 25,818 all ranks; this includes all units fighting and administrative. The figures below give the strength of each major community in the Force:-

Hindus	13,638
Muslims	9,777
Sikhs	1,900
Others	196
British Element	307

25,818

Name of the Force Commander:

Major-General T.W. Rees C.B., C.I.E., D.S.O., M.C.

Composition of the Force and Regiments represented:

The Force consisted of a Force Headquarters, Force troops (similar to Divisional troops and six Infantry Brigades. The table attached gives the units comprising the Force, with the class composition of each unit where such units were so organised. Other units were of mixed composition.

PUNJAB BOUNDARY FORCE.
Class Composition by SQNS/COYS.

Arm/Service	Total No.	Hindus	Muslims	Sikhs	Others	Total Strength				
		(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
(a)										
Br. Element										
H. Q. Formation -										
H.Q.P. B.F.	1			Mixed						
H.Q. INF Bdes	6			Mixed						
	7									
I.A.C.										
18 Cavalry	3	2	1							
One Composite	1		Mixed Hindus and Muslims							
sqn. CIH	4									
R.I.A. -										
One Bty										
4 S.P. FD. Regt.	1		1							
R.I.E. -										
H.Q. Div.										
Engr. Gp.	2	1	1							
Field Coys	5	3	2							
Field PK Coys	2	1/2	1 1/2							
Rly Constr Coy	1	1								
Rly Opg. coy	1									
	11		(Mixed Majority Muslims)							
I.S.C. Units	8		Mixed							

Arms/Service	Total No.	Hindus				Sikhs	others	Br.	Total Strength			Others	Total
		(b)	(c)	(d)	(e)				(f)	(g)	(h)			(i)	(j)	(k)	(l)
(a)													
Lup. Infantry--													
3/1st Punjab	4	1			1	..	3	167	333	166	..	669	
1/2nd Punjab	4	1		2	1	..	1	173	345	173	..	692	
1st Ind													
Grenadiers	4	3	1		..	..	5	604	202	..	..	811
2nd Mahrattas	4	4	..	..	..	..	5	803	..	..	..	808
5 Raj Rifles	4	3	1	1	..	..	5	561	187	..	..	753
2 Raj Regt.	4	2	2	2	..	..	2	358	359	..	..	719
3 Raj Regt.	4	2	2	2	..	..	7	325	325	..	..	657
1st Baluch Regt.	4	1	3	3	..	..	1	179	536	..	..	716
3 Baluch Regt.	4	1	3	3	..	..	7	198	596	..	..	801
4 Baluch Regt.	4	1	3	3	..	..	6	151	456	..	..	612
5 Baluch Regt.	4	1	3	3	..	..	3	184	552	..	..	739
1 F.F. Regt.	4	1	2	2	1	..	6	193	387	193	..	779	
3 F.F. Regt.	4	1	2	2	1	..	1	169	338	169	..	677	
4 F.F. Regt.	4	1	2	2	1	..	4	206	414	206	..	830	
5 F.F. Regt.	4	1	1	1	1	..	1	200	400	200	..	801	
3/16 the Punjab Regt.	4	1	2		1	..	3	168	336	168	..	675	
2nd Dogras	4	4	..	..	..	..	3	776	..	..	..	779
3rd Dogras	4	4	..	..	..	..	4	771	..	..	..	775
3 Mahar MG	4	4	..	..	..	..	2	622	..	..	..	624

Arms/Service	Total No.	Hindus			Muslims			Sikhs			Others			Total Strength			Total
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	
2 Bihar	4		3	1				1	617	206				824			
1 Coy 1 Sikh L.I.	1					1								226			226
2/8 G.R.	4		4					12	784					796			796
1/9 G.R.	4		4					17	775					792			792
2/10 G.R.	4		4						19	714						733	733
Total	93							118	9,698	5,971				1,501			17,288
R.I.A.S.C. --																	
HQ Div. Column	1		1						5								5
Tpt Coys RIASC	8		3	5				10	782	1,381				8	5		2,186
Comp. pls.	4			Mixed classes				2	86	62				17	1		168
1 PI Para Coy	1			Mixed classes				1	34	42				8	2		87
Total RIASC	14							13	907	1,485				33	8		2,446
Medical Services	12			Mixed classes				23	491	264				52	70		900
Ind Elect & Mec Engs	25			Mixed classes				14	562	362				97	66		1,101
Corps of Ind Milly-Police	3			Mixed classes				1	68	39				36	11		155
Intelligence Unit	1			Mixed classes					7	3				2	1		13
Grand Total	179								307	13,638				9,777	1,900		25,818

Agreement Between India and Pakistan to Feed Refugees

Constituent Assembly of India (legislative) Debates Vol. I, p-434

222. Seth Govinddas: Will the Honourable Minister of Relief and Rehabilitation be pleased to state the terms of the joint agreement entered into between the Government of Pakistan and India to feed the refugees in their own territory?

THE HONORABLE SHRI K.C. NEOGY: The terms of agreement pertaining to the Provinces of East Punjab and West Punjab as contained in the Press Communique issued from Government House, Lahore on 3rd September, 1947 are as follows:-

"The governments of East and West Punjab have undertaken the responsibility for running refugee and evacuee camps for Muslims as well as non-Muslims in their own area and will provide food and other necessities in equal measure to all refugees."

"This agreement would apply also to the North-West Frontier Province as the Province is included with West Punjab in the agreement or mass transfer of population but in practice the obligation to supply free food to refugees has not been carried out fully by the North-West Frontier Province Government."

Report of Shambhu Train Accident

P.B.R. CF. 711-ER-48.

Situation Report dated the 25th November 1947.

Yesterday, at about 2 P.M., a Muslim refugee special which left Ambala met with a serious accident at Shambhu Railway Station (Patiala State). Engine and three bogies derailed, resulting in 129 deaths and injuries to about 200 persons of whom nine died in hospital today. Medical aid, both Civil and Military, was rushed to the spot and voluntary workers also came to rescue. Injured persons removed to hospital. Train resumed Journey at 2.30 A.M.

Accident due to the train having been directed on to a deadline instead of the main line, which is attributable either to gross negligence of railway staff or a deep-seated conspiracy. The Station A.S.M, pointsman and the driver have been arrested. Enquiries are

proceeding.

Sd/- B.S. Grewal,
Deputy Commissioner,
Ambala

No. 691-ST.

Office of the Deputy Commissioner, Ambala.

Dated, Ambala City, the 25th November, 1947.

A copy is forwarded to:-

1. Chief Secretary to Govt. East Punjab,
Jullundur (by post) in confirmation.
2. Commissioner, Ambala Division.
3. A.I.G. C.I.D., East Punjab, Jullundur for information.

Sd/- Deputy Commissioner,
Ambala.

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Military Evacuation Organisation Disposal Instructions

Military Evacuation Organisation, p.190-192.

1. *Object.*

These Instructions contain administrative details for the disposal of personnel, vehicles and equipment rendered surplus by the run down of the present establishment of the M.E.O., to that contained in "PLAN FINIS." The new suggested Est of M.E.O. is to come into effect from 16 Dec. 47, details of which will be communicated to those concerned, at an early date.

2. *Personnel: (a) Officers:*

- (i) There will be NO move of Officers before 15 Dec. 1947, Names of Officers for further posting are being submitted separately to the Military Secretary/Heads of Arms and Services. Dates of availability will be from 15 Dec. 1947, except for Officers proceeding on leave for whom the dates of termination of leave will be considered.
- (ii) All Officers sanctioned leave will be attached to H.Q. East Punjab Area from the date of proceeding on leave, to enable posting orders to be forwarded to them. Those Officers who have NOT received posting orders prior to the termination of leave, will report to H.Q. East Punjab Area, on such termination.

(b) *V.C.Os & I.O.Rs:*

Lists are being sent to respective Arms/Corps Records Centres for disposal Orders. Pending receipt of those, all service personnel will be under the Command of O.C.

505 Civ Bus Coy, from the date their permanent Unit completes disbandment.

5. *I.E.M.E.*

All WD Vehicles on charge of M.E.O., will be inspected and classified by IEME W/S prior to return to Ord. Details of BA Nos. make and Type will be furnished by the DAD ST to the DAD ME.

6. *Field Cashier.*

The Chief Field Cashier will be located at H.Q. E.P. Area, forthwith, He will visit AMRITSAR on two days a week, vide his tour programme.

7. *Requisition and Accommodation,*

(a) Amritsar Club - The premises of this Club will be vacated on 6th Dec. 1947. The Camp. Comdt. will arrange to return all the property of the Club listed as being in use with the M.R.O. form 7 Dec. onwards.

(b) Khalsa Buildings - These will be vacated under orders of the DAD ME.

(c) Other requisitioned Buildings will be vacated on dates to be notified later.

8. *M.E.O. Canteen.*

This will continue to function until required. It will then close under Orders of the HQ E.P. Area, Canteen.

9. *Audits of Accounts.*

All store accounts will be finally audited by the I.A.O. Jullundur. Os.C. CIV BUS COYS will arrange dates with the Dy. C.M.A. who will draw up a programme. Clearance certificates will be submitted to this HQ.

10. *Payments - Bills.*

All payments of Bills will be made prior to the move of individuals incurring them. Officers will obtain receipts for Club/Mess Bills and produce them when collecting their Movement Orders.

Sd/- LT. COL. A.Q.M.G.

No. 1507/MEO/A
MAIN HQ MEO (I),
AMRITSAR, 29 Nov. 47.

**Non-Muslim Camps in Western Punjab and N.W.F. Province
Location and Dates of Clearance**

Military Evacuation Organisation, p. 198-201

S.No. Districts Date Reported Clear

1. Lahore Distt.	
Lahore (DAV College)	21-11-47
Barki*	9-10-47
Padhana*	9-10-47
2. Gurdaspur Distt.	
Dera Baba Nanak*	18-10-47
Madhowpur*	9-10-47
3. Sialkot Distt.	
Sialkot	5-12-47
Pasrur*	18-10-47
Narowal*	18-10-47
Daska@	25-10-47
4. Gujranwala Distt.	
Gujranwala*	2-12-47
Kaicka *	18-10-47
Hafizabed	24-11-47
Akalgarh*	6-11-47
Pindi Bhattian*	22-10-47
Sukhheki@	25-10-47
5. Sheikhpura Distt.	
Kot Pindi Dass*	18-10-47
Dhahan Singh*	2-11-47
Shargpur*	9-10-47
Chuhar Kana*	24-11-47
Nankana*	5-12-47
Sheikhpura*	15-11-47
Sangla*	2-11-47
6. Gujrat Distt.	
Gujrat	31-10-47
Lalamusa	31-10-47
Mandi Bhauddin	31-10-47
7. Shahpur Distt.	
Sargoda	27-11-47
Sargoda City	21-11-47
Phullarwan	21-11-47
Sillanwali	2-11-47

Nurpur	18-10-47
8. Jhelum Distt.	
Jhelum	5-12-47
Chakwal	27-11-47
P.D. Khan	18-10-47
Bahur	2-11-47
9. Rawalpindi Distt.	
Rawalpindi	24-11-47
Wah	10-11-47
Trimmo	22-10-47
Mari Indus	18-10-47
Murree	2-11-47
Gujar Khan@	25-10-47
Panja Sahib*	2-11-47
10. Attock Distt.	
Attock	5-12-47
Campbellpore @	25-10-47
11. Mianwali Distt.	
Darya Khan	18-10-47
Mianwali	22-10-47
Bhakhar	18-10-47
Jhandawala	18-10-47
12. Montgomery Distt.	
Montgomery	24-11-47
Pakpattan	2-11-47
Chak Bidi	18-10-47
Arif Wala	18-10-47
Burewala@	25-10-47
13. Lyallpur Distt.	
Lyallpur	5-12-47
Kamalia	15-11-47
Jaranwala	2-12-47
Toba Tek Singh	24-11-47
Gojra	2-12-47
Samundri	2-11-47
Khurianwala	22-10-47
Jhumra	15-11-47
Tandlianwala	22-10-47
Narowal @	25-10-47
Thikriwala@	25-10-47
14. Jhang Distt.	
Jhang	24-11-47
Shorko	6-11-47
Shah Jewna @	25-10-47
Chiniot	22-10-47

Lalian	2-11-47
Atharahazari*	2-11-47
15. Multan Distt.	
Multan Cantt	2-12-47
Khanewal	2-12-47
Shujabad	21-11-47
Kahror Pacca	21-11-47
Vihari@	25-10-47
16. Muzaffargarh Distt.	
Muzaffargarh	5-12-47
Lieah	21-11-47
Karor	21-11-47
Alipur	5-12-47
Kot Adu	24-12-47
Sikandar Abad	21-12-47
Nawan Kot	24-11-47
Shahr Sultan	5-12-47
Khair Pur \$	9-11-47
17. D.G. Khan Distt	
D.G.Khan	24-11-47
Taunsa	24-11-47
Vehoa	2-11-47
Jampur	2-12-47
Fazilpur	2-11-47
Daijal	2-11-47
Rajanpur	2-12-47
Mithankot	6-11-47
Choti	6-11-47
18. N.W.F.P.	
Peshawar	
Nowshera	6-11-47
Mardan	
Kohat	
Bannu	
Waziristan	21-11-47
D.I. Khan	
Tribal Area	

- @ Reported Clear Vide TAC HQ MEO(I) No. IEOL/70/25 dated 25 Oct 47
 * Reported Clear Vide TAC HQ MEO(I) No. IEOL/70/30/G dated 2-11-47
 \$ Reported Clear Vide TAC HQ MEO(I) No. IEOL/70/40/G dated 9-11-47
 Reported Clear Vide Sitreps issued daily by MEO (Pak) Lahore.

Stranded Non-Muslims in Azad Kashmir

M.E.O. Records F 10899/H, Vol. II

812/ G. Kashmir (9)

According to the information supplied by Mr. Symonds there is a possibility of non-Muslims walking over from Poonch and Kashmir state to the Pakistan. The information available shows that about 3,000 non-Muslims from Poonch are concentrated in three Camps which are being looked after by the so called Azad Kashmir Government. Another couple of men and women are collected at a short distance from Kohala bridge in the Kashmir territory. Mr. Symonds thought that all these men eventually shall have to come to India and that some of them were not very happy and the Commander expressed difficulties in getting them properly fed and looked after. I discussed the situation in general first with the Deputy Commissioner and then with the Commissioner, Rawalpindi Division. Both of them have agreed that they will be prepared to arrange for their reception in Rawalpindi and also to help them with food. They were not in favour of establishing a Camp at Kohala purely for want of proper accommodation. They were of the opinion that we must arrange for proper escort and transport so that as soon as they come into the Pakistan territory they should be put into the trucks and immediately brought to Rawalpindi. As suggested by the Commissioner, I went and saw General Lovett. The situation was discussed at length and he agreed to help in receiving them at Kohala and to ensure their safe passage to Rawalpindi. He however desired that M.E.O. (India) should arrange for the necessary transport.

2. The position has been explained to Mr. Bhatia, D.L.O. and he has been requested to search out a suitable place so that the same may be used as a reception camp. In addition to men coming from Poonch and Kashmir States there is a proposal to bring men evacuated from pockets in Campbellpur District to Rawalpindi. There is no proper camps in Campbellpur District (the Wah camp being taken over by the Deputy Commissioner, Rawalpindi for the Muslim refugees) and therefore it is but necessary that we should bring these men to Rawalpindi. Mr. Bhatia thinks Arya Samaj (College Section, in Trunk Bazar) building would suit and should be requisitioned for this purpose. At present Muslim refugees have been dumped there and the Deputy Commissioner has promised to remove them to some other building and to make this building available for use as a reception camp, for non-Muslim evacuees. Mr. Bhatia will make sure about the light and water arrangements and then go and see the Deputy Commissioner and then arrange for the requisitioning of the building.

Sd/- Nathu Ram.
Chief Liaison Officer, East Punjab
Government.

Camp Rawalpindi.
Decr. 4, 1947.

No. 462-66/CLO
Office of the Chief Liaison Officer,
East Punjab Government,
105-Upper Mall, Lahore,
Camp Rawalpindi, Decr, 4,1947.

Copy forwarded to the:

1. Chief Secretary, East Punjab Govt. Camp Jullundur.
2. Deputy High Commissioner for India in Pakistan, Lahore.
3. Hon'ble Premier, East Punjab Government, Camp Jullundur.
4. Principal Secretary to the Hon'ble Prime Minister, New Delhi.
5. Ministry of Relief and Rehabilitation, Govt. of India, Jullundur.

Sd/- Nathu Ram
Chief Liaison Officer,
East Punjab Government.

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**Agreement of India and Pakistan Governments
for Recovery of Abducted Women**

PBR C.F. 119-ER-49-Page 2.

The following decisions reached at the Conference between the Government of India and the Pakistan Government held on the 6th of December, 1947, are brought to the notice of all concerned for early compliance:-

1. Every effort must be made to recover and restore abducted woman and children within the shortest time possible.

2. Conversions by persons abducted after 1st March 47 will not be recognized and all such persons must be restored to their respective Dominions. The wishes of the persons concerned are irrelevant and consequently no statements of such persons should be recorded before magistrates.

3. The primary responsibility for recovery of abducted persons will rest with the local police who must put full effort in this matter. Good work done by Police officers in this respect will be rewarded by promotion or grant of cash awards.

4. M.E.Os will render every assistance by providing guards in the transit camps and

escorts for the transport of recovered persons from the Transit Camps to their respective Dominions.

5. Social Workers will be associated actively with the scheme. They will look after the camp arrangements and receive the abducted persons in their own Dominions. They will also collect full information regarding abducted persons to be recovered and supply it to the Inspector General of Police and the local S.P.

6. The D.L.Os will set up Transit Camps in consultation with the local Deputy Commissioners and the public workers and supply information regarding abducted persons to be recovered.

7. Coordination between different agencies working in the district will be secured by a Weekly Conference between the Supdt. of Police, and local M.E.O. Officer, the District Liaison Officer and the Deputy Commissioner. At this meeting progress achieved will be reviewed and every effort will be made to solve any difficulties experienced.

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Gopalaswamy Ayyangar to Raja Ghazanfar Ali Khan

M.E.O. Record No. F. 10899/H Vol II
IEDC/816/G Bhaomal

From: Minwoport Foreign, New Delhi
To: Dyhicomind, Lahore.

Telegram No. 55 - MWP/47 dated 11th December, 1947.

IMMEDIATE

From Gopalaswamy Ayyangar for Raja Ghazanfar Ali Khan. Reference my discussions with you at Lahore on 9th regarding evacuation from Bahawalpur state of those non-Muslims who wish to leave. Col. Tute who had been sent by MEO India to Bahawalpur and Karachi had already left Karachi and could not be informed to meet you at Bahawalpur on 10th or at Karachi on 11th. We are informed that non-Muslims in Bahawalpur State are getting more panicky owing to complete absence of any transport facilities to India. We should therefore be grateful if you will kindly take up matter at Karachi with His Highness Nawab of Bahawalpur or Prime Minister Bahawalpur and arrange for facilities for evacuation particularly from Sadiqabad, Ahmedpur, East Allahabad, Khanpur Rahimyarkhan and Chistian. At Lahore you mentioned that on your way back from Karachi, you will arrange meeting at Bahawalpur to discuss detailed arrangements to which we should send representatives and that you will fix date and time and give us timely intimation. Grateful if this meeting is arranged earliest possible and arrangements made with Bahawalpur

Government for a plane bringing our representatives landing at Khanpur. Meanwhile we should like to bring to your notice that many non-Mulsim villagers moved to Khanpur and Rahimyarkhan some weeks back and have been awaiting evacuation. They are now almost entirely destitute and owing to lack of food are undergoing considerable privation. Number of such destitute reported to be 4000 at Khanpur out of total 14000 non-Muslims and 3000 at Rahimyarkhan out of total 12000. We should be most grateful if camps could be opened for these destitutes and food and other requirements supplied pending evacuation as otherwise it is feared that starvation and disease will take considerable toll.

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**Statement of MTS/908911 Sepoy. Sk Meeran Driver Of Vehicle.
B.A. No. 610030 of 737 Copy RIASC (Brigade)**

M.E.O. Records No. F.10899/H Vol. II

On 12 Dec, 47, I was detailed to take refugees from Campbellpur to Lahore along with other 7 vehicles. I was proceeding in front of the convoy and as my vehicle was defective was towed by another truck. When we came across Jhelum Bridge, my truck collided with a tonga which was coming from opposite direction. This caused slight injury to two of the passengers and a slight damage to the tonga. I did not stop as the place was dangerous and proceeded further on the way to Gujrat. A Police officer came behind me, noted the No. of the truck and went in advance without saying anything to me.

When I reached in the centre of Gujrat bazaar, a party of nearly 15 armed Pathans (civilians) and some police-men stopped our vehicle. As we had no other go, we stopped our truck and the gang surrounded us and some of them pulled Sepoy, Shummugavelu who was the driver of the front vehicle. On seeing this, I came out of my truck with my rifle which was already loaded with five rounds. Two men came behind me and caught hold of my rifle.

In the meanwhile, some Pathans fired few rounds in the air and one of them fired about 15 rounds on my O/S rear wheel of my vehicle with the intention of bursting the tyre. The rounds hit on the wheel nut and one of them was broken.

Then, we were taken to the Police Station by some police men, leaving the trucks on the road side. After 15 minutes, the Subedar i/c of the convoy came with other vehicles and they were also stopped. The subedar was also taken to the Police Station and we were all locked up for the whole night. All the refugees also were taken to the Police Station.

Next morning, we were released and were let free. When I asked for my rifle, the police Havildar only gave me rifle after removing the magazine and rounds. When I asked for my magazine, the Havildar said that I am too lucky, having got escaped.

In, my view, I presume this plot was prearranged by the Police Officer who noted the particulars of my truck.

Sd/-

(MTS/908911 Sep. Sk. Meeran).

Stn:- LAHORE.

Date:- 14 Dec. 47.

Forwarded to MEO (I) for information and necessary action.

ltd. 14/12

Sd/-
637 Coy RIASC,
(Bde)
14/12/47.

200

**Sir Francis Mudie, Governor West Punjab to Mr M.A. Jinnah,
Governor General of Pakistan**

I.O.R. MSS Eur. F-164/14

16th December, 1947.

My dear Qaid-i-Azam,

I write to thank you for your hospitality in Karachi. I enjoyed my stay very much. We had a good flight back.

I think that my visit was also useful. I had a very helpful talk with your Law Minister, who cleared up one or two points about the position of the West Punjab Legislative Assembly that otherwise might have given trouble, and I got through some urgent business with Mamdot. We had also a useful meeting with Chundrigar and Khuhro about supplies.

Our exchange of population is practically over now. The last organized foot convoy from the East Punjab arrives in Pakistan on the 19th December, but there will be dribble crossing from either side for some time to come. Also I suspect that a fairly large number of Muslims who have at present elected to stay where they are in Gurgaon will eventually come here. In the meantime I am quite glad to have a breather and to have come to look round and see what sort of a State we are in. An immediate problem, however, is to organize the march of cultivators to Sind. It is a long march and will require a lot of organizing. I am going to have a look at the route myself on Friday and to talk to the officers who have been making the preliminary reconnaissance. I hope too to get into touch with Moon to see what help Bahawalpur will need as part of the route lies in that State.

The organisation of the office of Custodian of Evacuee Property is making good progress. We have got the rules to be made under the Ordinance drafted and approved and have appointed most of the gazetted staff. I want to show as good progress as possible before the inter-Dominion Conference at Secretaries level, which is shortly to take place. I am sure that in this matter we are ahead of India. We are also ahead in the matter of the exchange of prisoners. An Ordinance will be published in today's Gazette.

These are minor matters important mostly from a Provincial point of view, but they will, I think, strengthen our hands at the inter-Dominion level.

Again many thanks to you and Miss Jinnah for your hospitality.

Yours sincerely,
Sd/- R.F. Mudie

His Excellency Qaid-i-Azam Muhammad Ali Jinnah,
Governor-General of Pakistan,
Karachi.

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Inspector General Police West Punjab to Chief Secretary East Punjab Government

P.B.R. C.F. 404-ER page 618

From

Khan Qurban Ali Khan.
Inspector General of Police,
West Punjab.

To

Chief Secretary
to Government, East Punjab.

No. 5970-A, dated Lahore, the 22nd December 1947.

Subject:- Plight of non-Muslims in the West PUNJAB DISTRICTS

Sir,

In continuation of my letter No. 5342-A, dated the 6th December 1947, I have the honour to enclose copies of comprehensive reports furnished by districts concerned about the allegations made in the Chief Liaison Officer's letter. From the study of reports it will be seen that the insinuations made against the local administrations of the districts concerned were presumably based on unauthenticated information, and on grossly exaggerated stories narrated by refugees. On the other hand some of the higher officers of East Punjab who visited the districts and even non-Muslim refugees commended and paid tributes to the efforts made by the local officers for their protection and evacuation later on.

I have the honour to be, Sir,
Your most obedient servant,
Sd/- for Inspector General of Police West Punjab

Enclosure of 201

- (1) *Copy of Memorandum No. 30873, dated the 28th October, 1947, from the Superintendent of Police Dera Ghazi Khan to the Inspector General of Police, West Punjab Lahore.*

Reference your endorsement No. 3226-31-A, dated 20.10.47.

The undersigned has to deal with para 1 (e) of Chief Liaison Officer, East Punjab Government's letter No. 247/3/C.L.O., dated 4.10.1947 addressed to you which relates to D.G. Khan district. There is absolutely no truth in the allegations contained in the para referred to above., None of the non-Muslim refugees camps at D.G. Khan Taunsa or Jampur was ever surrounded or harassed by any unruly mob and the business and movements of non-Muslims at all these centres are free as before. D.G. Khan and Taunsa have not even been subjects to communal riots or raids ever since the outbreak of trouble in the district. Jampur, of course was the scene of disturbance on 1.9.47 but the casualties inflicted by the Police on the Muslims here were 4 killed and 3 injured against 1 Hindu killed by a mob. Not to speak of Jampur alone the police and magistracy displayed a remarkable sense of duty and straight forwardness everywhere in the district and it was chiefly for this reason that the situation in this remote area inhabited by odd and wild Baloches with martial traditions was brought under control in no time.

No damage was ever done to the steamer and steamer service has been absolutely regular till 20.10.47 when boat bridge was ready and took its place. Ferry service was never dislocated or even suspended. This fact can well be ascertained from the records of the Ferry Superintendent, Ghazi Ghat Ferry. The allegations of atrocities and aggressions on non-Muslim refugees in this district are entirely unfounded and are contradicted by the very statement of the Chief Liaison Officer, East Punjab Government in the enclosed cutting from the Pakistan Times dated 24.10.1947. (Cutting not included).

- (2) *Copy of letter No. 21179, dated the 10th November 1947, from the Superintendent of Police, Sargodha, to the Inspector General of Police, West Punjab, Lahore.*

With reference to your endorsement No. 3226-31-A, dated the 20th October, 1947. I have the honour to report as under.

It is incorrect to say that most of the non-Muslim population of Miani had been converted. The town was evacuated of non-Muslims as far back as the 12th of September 1947, after it had been attacked by villagers and several persons had been murdered.

The major part of the population of non-Muslims of Mitha, Tiwana, Roda, Girot, Nurpur Thal, Jabbi, Bundial, Adhi Kot Ghan, Bahdari, Ukhli Mohla, Warchha, Choha, Abdal, Fatehpur and Rawan, were evacuated from their villages a month ago. Some of these who had been converted to Islam and remained behind were also later on evacuated because they expressed desire to leave. There are, however, still some who wish to remain and refuse to leave.

In regard to the non-Muslims of Khazarabad who were murdered, case F.I.R. No. 132 dated 8.9.47 V/S 396 I.P.C. P.S. Sadar Sargodha was registered and is still under

investigation. This case was specially reported, vide special reports Nos. 68 and 68-A, Part I of 1947, a copy of which is enclosed herewith for ready reference.

Police Department

Shahpur District

Continuation Special Report No. 68-A, part I of 1947 F.I.R. No. 123,
dated 8.9.47 u/s 396 I.P.C., P.S. Sadar Sargodha.

In the above noted case, 48 non-muslims, males, females and children started at about 9 A.M. on 7.9.47 for Sargodha from Khizarabad, a village belonging to Malik Khizar Hayat Khan Tiwana. An escort of about twenty men was deputed by the Manager of the estate for the safe conduct of the party. They had also a bullock cart loaded with their ordinary luggage, clothing etc., their cash and jewellery was already in safe custody elsewhere. When the party reached near the canal, about two miles from Khizarabad some men were seen on the eastern bank of the canal, approaching by beating drum (Dhols). This party was on the kacha road on the western side of the canal. On seeing the villagers the non-Muslims and their escort hurried to village Qadirpore about 1.5 mile away. Salah Mohd. B/O Khan Bahadur Mehr Mohd Yar Tak was present in the village but did not give shelter to the non-Muslims but directed them to leave the village at the same time providing them with an escort of his men for their safety within the revenue limits of village Qadirpore only. The non-Muslims party decided to return back to Khizarabad instead of going to Sargodha, as Khizarabad was nearer than Sargodha and there was less danger in reaching there. When Qadirpore people returned from the boundary of this village the mob which was in several parties, crossed the canal and came on the western side, where this non-Muslim party was going, rounded them up and the party was forced to stop. The Hindus and Sikhs requested the mob that they were prepared to convert themselves and to hand them over the property which was with them and thus not to kill them. Some of the Muslims agreed to it and sent for a Maulvi from a Dera but before any Maulvi arrived some mischievous persons amongst them instigated the mob to murder the lot and consequently they were attacked murdered and their property looted.

One Hindu woman and two children of about 10-12 years of age were fortunately able to slip away and are alive to tell the tale. One more Hindu is also said to be alive, but he is still untraceable. One man, two women and one baby who remained at Qadirpore are also safe and 40 persons including men, women and children were butchered and their dead bodies thrown into the canal.

The Hindu women and two young boys do not identify any one of the culprits.

All the Khizarabad escort deny having identified any of the accused. Some of them allege having left for Khizarabad from Qadirpore and the other say that on seeing the mob they left the Hindus at the mercy of the mob and ran away to save their own lives but this appears to be incorrect.

During the investigation it has been revealed that the people of Khizarabad, Dera Isainwala, Dhadowala, Khewa Sala, Panjoo Parberwala Peubewala and Lorri Malkan are responsible for this incident.

Most of the stolen property has been recovered but all from the crops and fields of the

above mentioned deras. -

Sd/- L.D. Robin,
Supdt. of police Sargodha

- (3) *Copy of memorandum No. 32142, dated 17.11.1947 from the Superintendent of Police, Sheikhpura, to the Inspector General of police, West Punjab, Lahore.*

Please refer to your endorsement No. 3226-31-A dated 20.10.1947.

On 13.9.1947 at about 13.30 hours, when the Mari Indus Train arrived at Sacha Sauda Railway Station, all of a sudden thousands of non-Muslims assembled on both sides of the platform rushed towards the train, blocking the railway tracks. The train whistled but the mob did not disperse, On this the military escort with the train, apprehending the danger opened fire, with the result that some 79/80 persons were killed and injured. One Muslim Maulvi of Kotla Panju Beg also received injuries. One Inayat, barber, who was present at the Railway Station corroborated this fact and stated that all this was due to the misconduct of Sikh evacuees. S. Kartar Singh Jhabber, a Sikh leader, Khushal Singh Jat of Ranike, and Des Raj of Chuharkana, also mentioned that it was the fault of non-Muslim evacuees, who did not make way to pass the train.

I enclose a copy of the English translation of an extract from the Daily Diary submitted by S.H.O. Chuharkana for favour of your perusal.

English translation of Daily Diary dated 13.9.1947 of S.H.O. Chuharkana, District Sheikhpura.

S. Kartar Singh Jhabar, a Sikh leader, met me near the canal and told me that the Military escort in the train had opened fire at Railway Station Sacha Sauda. About 25/26 Sikhs had been killed and injured. But it was all due to their own fault. When the train arrived from the direction of Sangla Hills, thousands of people had assembled on both sides of the platform. When the train reached the Station, all of a sudden, these persons ran towards the train. The escort in the train apprehended the danger and opened fire resulting in the death and injury to the people. This was all due to the misbehaviour of the people. Previous to this no such incident had taken place inspite of the fact that the trains passed off daily. The escort was not to be blamed for this.

Further on when I reached the Chauk. Sh. Riaz Ahmad A.S.I. was on patrol. He informed me that a train had arrived on that day from the direction of Sangla Hills. The Sikhs in large number tried to get into the train and the military escort had to open fire. Nearly 40/50 rounds of firing were heard. One Muslim Maulvi of Kotla Panju Beg was hurt. One Inayat a barber by cast of Islampura P.S. Chuharkana stated that he too. was present at Railway Station Sacha Sauda. The Sikhs assembled on Railway Station in a large number. When the train arrived. the passage was blocked. The train whistled but no body turned aside upon which the military escort in the train had to open fire. The mob dispersed and the train passed off. Nearly 30/35 persons were killed and injured. It was all due to misconduct of the Sikh evacuees.

After that I had a chance to see Khushhal Singh 'Lakoo' Jat of Ranike, Police Station

Sadar Sheikhpura, who remarked that people being uncivilized were unaware of the consequences. Being aware of fact that the train was coming they assembled in a great number on both sides of the platform and even on the Railway lines. It was impossible for the train to pass. The people did not get aside with the result that the escort had to fire. About 105 persons were killed and wounded. Further enquiries made from Des Raj Proprietor Petrol Pump indicated that all happened due to the misconduct of the Sikhs. Generally the people are exaggerating. About 70/80 persons were killed and injured.

In the evening Captain S. Khiner, incharge of the Camp left for Sheikhpura along with S. Mann Singh, M.L.A. and Arjan Singh Lambardar of Gharmula. These people would interpret this misconduct in some other ways.

- (4) *Copy of letter No. 1011_D dated the 20th November 1947 from the Superintendent of Police, Lyallpur, to the Inspector General of Police, West Punjab, Lahore.*

With reference to your endorsement No. 3226-31-A dated the 20th October, 1947 I have the honour to report that every effort was made to protect the lives and property of the non-Muslims in the Lyallpur District and in this attempt the police have succeeded to a great extent. Even the Premier of Indian Dominion commended the efforts and conduct of Lyallpur authorities. A few unfortunate incidents did take place but they were also due to the aggressive attitude of non-Muslims especially Sikhs. Thandlianwala, Toba Tek Singh, Kamla, Gojra and Jaranwala have been particularly in the endorsement under reference. Tandlianwala was attacked twice but before these attacks on account of aggressive tactics of the local non-Muslims, the Muslim population had practically deserted the Mandi and had gone out to the neighbouring villages. This thing enraged the surrounding Janglis, who had already heard the tales of atrocities on Muslims in East Punjab. As a result Tandlianwala was attacked on 25.9.47 by a huge mob but the attack was repulsed by the Police killing and injuring 5 Muslim raiders. There was absolutely no looting or arson. The casualties did not exceed 9 dead and 24 injured. After this the non-Muslims became more aggressive and even the police was not permitted to go near the non-Muslim quarters for protection purposes. On 27.9.47 Tandlianwala was again raided and the police immediately rushed to the spot but unfortunately they were fired upon by the non-Muslim inhabitants, who had entrenched themselves in some block of the Mandi. As a result of this attack the non-Muslims suffered about 150 casualties. About 50/60 Muslim raiders were shot dead or injured by police and military firing. There was no looting or arson at all.

2. No serious incident took place at Toba Tek Singh. In the beginning of the disturbances, however, there was a minor clash in which only 3 non-Muslims were killed. Till the evacuation of non-Muslims they remained well protected and safe. Absolutely no looting or arson took place at Toba Tek Singh.

3. Similarly in Gojra Mandi the non-Muslims remained perfectly safe throughout the disturbances. There were, however, four cases of aggression by the Sikhs on Muslim population. These cases included one case each u/s 302 and 307/148/149 I.P.C. and two cases u/s 395/397 I.P.C.

4. The incident of Kamalia has also been much exaggerated by the non-Muslims. The police and military succeeded in saving Kamalia twice before the attack on 6.9.47 was and in doing so killed and injured 10 Muslims. The attack on 6.9.47 was organized by Gulam Ali son of K.B. Saadat Ali Khan of Kamalia and his other relatives. Casualties among non-Muslims were about 290 and Muslims 55. Ghulam Ali and others were promptly dealt with and 9 leading members of the Khari family were arrested in original offences and under the Punjab Public safety Act. This brought the situation under control and after that till the evacuation of non-Muslims from Kamalia no incident took place.

5. The attack on Jaranwala on 8.9.1947 was actually the result of provocation of non-Muslims before this 6 cases were registered against the non-Muslims in Jaranwala jurisdiction. This attack has also been reported in a very exaggerated form. Actually not more than 104 dead were counted. In this number 22 were Muslims, who were shot dead by police and military firing. There was absolutely no looting or arson. Some women were also abducted and as a result Anwar Khan, M.L.A. Shahadat Khan Khari and Iqtidar Hussain Shah Dara were arrested. The case is still pending against them. After that no incident took place in the jurisdiction of Jaranwala. A large number of non-Muslim abducted women have been recovered and restored. A large number of Muslims in original offence and under the Public Safety Act has been arrested. Even the non-Muslim-Hindus and Sikhs admitted that the maintenance of law and order in the Lyallpur District during the disturbances was exemplary and they had received impartial treatment at the hands of authorities.

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Home Secretary West Punjab Govt. to Chief Secretary to East Punjab Government

*P.B.R. C.F. 315-ER-47 page 26: (Vol. I)
No. 691-HR-47/2485*

From

S.Fida Hassan, Esquire, OBE, ICS,
Home Secretary to Government, West Punjab.

To

The Chief Secretary to Government,
East Punjab.
Dated Lahore, the 9th January, 1948.

Sir,

With reference to your telegram No. SER-47/401. dated the 2nd November, 1947, regarding the recovery of non-Muslim girls abducted in the attack on non-Muslim convoy in the vicinity of Jassar in Sialkot District, I am directed to say that this Government have

held thorough investigation which reveal that about 35 to 40 women were actually abducted in the incident. Of these 25 women have already been recovered and sent to the East Punjab through the proper channel. The statements of these women showed that they were mostly abducted by refugees from Gurdaspur whose women had been abducted by the Sikhs in the East Punjab. Wherever the traces of these women with the Gurdaspur refugees were found by the Muslim residents of Sialkot District, the latter took them back and handed over to Police. None of the recovered women complained that they were maltreated or assaulted in any form. In the course of investigation 44 Muslims, who had injuries on their person, or from whose possession women were recovered, have been arrested and are tried. Vigorous efforts are being made to trace abducted non-Muslim women and also those who participated in the attack.

I have the honour to be

Sir,

Your most obedient servant,

Sd/-

Home Secretary to Government,
West Punjab.

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Deputy High Commissioner for Pakistan in India to
Chief Secretary East Punjab

P.B.R. C.F. 321-ER-48

Copy of a letter No.DH.C115/47 dated 11.3.48.

I have the honour to say that one Mir Inayatullah Khan has written to say that his daughter, Razia Begum, aged 13 years has been kept by one Phawa Singh, District Amritsar, son of Jewan Singh of village Bhoma, P.S. Majitha, District Amritsar. In reply to his request for recovery of the girl, Mr. Inayatullah was informed by the Indian Military authorities (copy attached) that his daughter did not wish to leave her husband. As you are aware, one of the decisions taken at the Inter-Dominion Conference on 6th December 1947 was that conversions and marriages of persons abducted after 1st March 1947 would not be recognized and all such persons must be restored to their respective Dominion. The wishes of the persons concerned are irrelevant.

2. I should be very grateful if arrangements are kindly made for the recovery of this girl so that she may be restored to her father in Lahore. The particulars of the girl are enclosed. An early reply in the matter is requested.

Steering Committee Meeting for Recovery of Abducted Women

M.E.O. Records No. F. 10899/H Vol. II

F119(5)/1542. A meeting of the Steering Committee was held on the 10th March, 1948, The following were present:

1. Shir K.L. Panjabi, ICS.,
2. Col. Randhir Singh, Commander MEO (I)
3. R.S. Ram Rattan, C.L.O.,
4. Miss Sarabhai,
5. Shrimati Bhagdevi Mehta.

1. It was decided that no special cars should be car-marked for Regional Workers. For inter-district journeys, they should use one of the district cars and return it to the original district on reaching the second district. As the distances between the two districts are not large, this operation can be completed within one day. For journeys within a district, they should use the cars of the District Woman Workers.

2. It was decided that Mrs Suri and Mrs. Sehgal should proceed to Dera Ghazikhan and report upon the organisation to be set up there. They will also visit Muzaffargarh and suggest what should be done. While they are investigating, they will also carry on the recovery work with the help of the local police. Miss Sarabhai was informed that the D.L.O. of the Muzaffargarh District has left and that there was no knowledge when he would return. She stated that the woman worker will carry on in this district without the collaboration of the D.L.O. Chief Liaison Officer will, in the meantime, decide whether he wants to replace Mr. K.K. Sahai at Dera Ghazikhan.

3. Col. Randhir Singh promised to examine whether troops could be spared for Jhang Transit Camp.

Miss Sarabhai pressed that in case troops are not available for Jhang, the women workers are prepared to go there under protection of the local police. The D.L.O. is already working a Camp but he sends daily arrivals in this Camp to the Lyallpur Transit Camp which has the protection of Indian troops.

4. The Steering Committee requested the Chief Liaison Officer to cancel his instructions to the DLOs that the woman workers are not to go out alone in the districts. If the woman worker desired to go out alone, there should be no restriction on her movement. If, however, she wants the D.L.O. to accompany her, then it is a matter of mutual adjustment.

5. It was decided that all reports received by the Chief Liaison Officer from the DLOs regarding the progress of the work of recovery of abducted women will be put up to the Steering Committee. Similarly, all reports received by the Provincial Women Worker from

her district women workers will also be put up to the Steering Committee.

6. Miss Sarabhai stated that her Regional Workers did not want the collaboration of the Regional Workers appointed by the C.L.O.

7. The Chief Liaison Officer has nominated Mr. Bhasin as the Principal Liaison Officer for the recovery of abducted women in Lahore city and surrounding area. Capt. Bali has been nominated by him for Chunian and Kasur Tahsils. No women worker has been earmarked for this work. Mrs. Bhag Mahta has agreed to nominate a worker now. For recovery work in Lahore, these two and the local East Punjab Police officer must work in close conjunction.

8. It was decided that all reports to be submitted by any member of this Committee to the Government of India (Ministry of R. & R. and Mrs. Rameshwari Nehru) relating to the work of recovery of abducted women in West Punjab and NWFP, should be put up first to the Steering Committee which will consider them and forward them to the Government of India with its own recommendations.

Copy forwarded to:

1. Shrimati Rameshwari Nehru.
2. Mr. V.D. Dantiyagi,
3. Miss Mridula Sarabhai
4. Shrimati Shanno Devi,
5. C.L.O., Lahore,
6. Commander MEO (I), Lahore,
7. revl. Moman Marker, Lahore,
8. Mr. D.C. Khanna, DSP, East Punjab.

Sd/- (K.L. Panjabi)

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**Award of the Arbitral Tribunal on Reference of the Punjab Partition Committee
Reference No.1**

Partition Proceedings Vol.VIII-p.1-2

This reference was submitted to the Arbitral Tribunal on the 30th November 1947 in the following terms, namely,

- “(i) In East Punjab entitled to a financial adjustment on the basis of capitalized profits from irrigation system of the Punjab Province.

- (ii) if so, what should be the basis of such capitalization, and
- (iii) if the answer to (i) be in the negative is not East Punjab entitled to financial adjustment in respect of irrigation canals and projects (as opposed to other assets belonging to the Irrigation Department) beyond the adjustment of specific loans attributable to particular assets?"

2. The reference was argued before the Tribunal on the 4th February 1948 and the following days, Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the decision of the Chairman of the Tribunal.

3. At an early stage the Tribunal was satisfied that for the purposes of the financial adjustment between East and West Punjab some value had to be placed upon the irrigation system of the united Province of the Punjab and that mere adjustment of specific loans attributable to particular assets suggested by West Punjab could not be sufficient. It was strenuously contended on behalf of West Punjab that the suggested method of valuation by capitalization of profits was improper if not impracticable and irrelevant. In this connection reliance was placed on paragraph 38 of the Report of the Army Tribunal on the separation of Burma from India.

4. Having regard to the commercial considerations on which the Province of the united Punjab authorized and operated its irrigation system, the argument for valuation on the basis of capitalization of profits was not without considerable force in regard to this particular asset. The cost of construction of the system was agreed at Rs. 41,56,79,000 of which the portion in the West Punjab amounts to Rs. 32,91,36,000. and the portion in the East Punjab to Rs. 8,65,43,000. Over a series of years this investment of Rs. 41,56,05,466,000 had brought in a steady return to the united Province of the Punjab varying from Rs. 4,85,85,346 in 1936-37 to Rs. 6,63,05,466 in 1943-44. These figures were put forward by the representatives of East Punjab. It may be that these figures include some items which ought not to be included as income from the irrigation system itself but in any event there can be no doubt whatever that the public money spent on the irrigation system of the Punjab had been a lucrative investment, and the system was a valuable asset of the united Province of the Punjab immediately before the appointed day.

5. The Tribunal had throughout adopted the view that in valuing assets on a partition where book values are available the proper basis should be such book values. In particular cases, however, where for particular reasons the Tribunal has thought that such book values were really in excess of the value of particular assets on the appointed day, the Tribunal has written down the book values. In this case the Tribunal also prefers to adopt the book values again as the basis of the valuation of the irrigation system. But having regard to the profitable results of the capital outlay on the irrigation system, the Tribunal feels that it would not be just and equitable that the book values as they stand should be taken as the value of the asset

on the appointed day. The tribunal, therefore, directs and awards.

- (i) that twice the book values of the irrigation system as a whole shall be taken as the value of the system and shall be apportioned between West Punjab and East Punjab in the general ratio;
- (ii) that each Province shall bring into account the portion of the system lying within its area taken at twice its book value.

6. The Tribunal accordingly answers question (i) and (ii) as above. In regard to question (iii) the Tribunal rejects the contention of West Punjab that the only financial adjustment should be in respect of the specific loans attributable to particular assets.

Dated: 17.3.48

W.P. SPENS
Chairman of the Tribunal

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Award of Arbitral Tribunal on Reference No.2

Partition Proceedings Vol. III. p.3-6

This reference was submitted to the Arbitral Tribunal on the 30th November, 1947 in the following terms, namely,

"Should there be any financial adjustment between the East and the West Punjab, on account of-

- (a) (i) the appreciation in the value of Crown Waste Lands in West Punjab Colonies due to the advent of canal irrigation;
- (ii) if so, what would be a fair rupee value of such appreciation; and
- (b) the unrealized balances in respect of such areas of these lands as have been sold or allotted to grantees?"

2. The reference was argued before the Tribunal on the 4th February, 1948, and the following days. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the decision of the Chairman of the Tribunal.

3. This reference raises the claim put forward by East Punjab that East Punjab is entitled to some financial adjustment in respect of Crown Waste Lands inside canal irrigated area, in addition to the adjustment in respect of the value placed on the irrigation system

referred to in reference No. 1.

4. East Punjab had limited its claim to-

- (i) land in the canal colonies, and
- (ii) a share of the increased value only of those lands due to canal irrigation.

5. This claim of East Punjab is resisted by West Punjab on the ground that the lands in question are natural assets which have fallen to West Punjab by reason of the Boundary Award and the provisions of the Indian Independence (Rights, property and Liabilities) Order, 1947, and that there is no just and equitable reason why East Punjab should be given any interest connected with lands within the boundary of West Punjab where no structural or other man-made physical asset has been created on or out of those lands.

6. The first question to be determined is whether or not the lands in question or any appreciated value thereof should be regarded as a divisible asset and brought into account in the general financial settlement. By Clause 3 of the Punjab Partition (Apportionment of Assets and Liabilities) Order 1947, (vide Document no. 151) made by the Governor of the united Province of the Punjab on the 13th August 1947, it was left to the Arbitral Tribunal to determine the respective rights and liabilities of the two new Provinces in certain items of "property" including-

- 1. Crown Waste lands, and
- 2. Lands under irrigated plantations under the control of the Forest Department.

By clause 6(1) of the same Order it was enacted that there should be a general financial settlement between the two new provinces and that such settlement should relate to and include all the assets and liabilities of the Punjab Province as they stood immediately before the appointed day, with some exceptions not material to this reference. To that sub-clause was added a proviso which directed that in taking account of the value of the assets of the Punjab Province the value of the following items should be excluded from consideration, namely,-

- (a) Forests (subject to any award of the Arbitral Tribunal) under clause 3(ii)
- (b) Roads
- (c) Contents of buildings other than building specified in the first schedule hereto annexed.

It is clear that but for this proviso forests generally, and roads would have had to have been valued as divisible assets. On the construction of this order it is very difficult to accept the view that other Crown lands were not to be regarded as assets to be brought into account in the general financial settlement. Moreover it is difficult to see on principle why when all assets of the united Province are to be included in the valuation with certain named exceptions lands owned by the united Province should be excluded from the list of assets to be taken into account, particularly when much of such land has been the subject matter

of planned development and expenditure. It is true that the land is not a man-created asset as such but it is difficult to hold that no portion of the value of the irrigated crown Waste Lands on the appointed day was man-created, and due to the man-made irrigation system. No doubt other factors not man-made such as soil, natural situation and formation and so forth contribute, with the irrigation, to the full value. And the Tribunal is faced with a very difficult problem when asked to attempt to evaluate the portion of the appreciation due to the man-made irrigation system.

7. There is of course nothing which can be regarded as book value in this case. Some other method must be employed if any value whatever is to be put upon this asset of appreciation in value in respect of which East Punjab claims adjustment. It was suggested by East Punjab that the Tribunal should proceed by taking the figure of Rs. 100 as the average value per acre of the Crown Waste Lands in question before and without any promise of or any actual manmade canal irrigation and an average figure (which was put at Rs. 760) of the sale price per acre of lands sold by the Government in the colonies over a series of recent years should then be taken as the average value per acre immediately before the appointed day and that therefore Rs. 660/- per acre represented the appreciated value in the whole East Punjab claimed a share as being solely due to irrigation.

8. As no other method was suggested, the Tribunal proposes to adopt:

- (i) the figure of Rs. 100 as being the average value per acre of the land in question before and without any promise of or any actual man-made canal irrigation and,
- (ii) the figure of Rs. 760 as representing the average value per acre of such lands as were sold during a series of years prior to the appointed day.

But the Tribunal is unable to accept that the result is that Rs. 760 should be taken as the average value per acre of all the unsold lands in question or that whatever is the total figure of appreciation, the whole appreciation is to be regarded as due to the canal irrigation.

9. In this connection the following figures which are agreed are material:-

The total area of Crown Waste Lands in the colonies referred to (including lands the subject of the Thal Project) amounts to 6,767,587 acres. Of these 4,633,838 acres are permanently allotted. Of these remaining 2,133,759 acres 1,59,064 acres were under long leases of one sort or another and 524,725 were under temporary cultivation immediately before the appointed day. An additional 767,103 acres had within a comparatively recent period been under cultivation but had fallen out of cultivation or had never been cultivated. As regards the remainder of the 2,133,749 acres being either Ghairmumkin or Charagah, the Tribunal considers no claim can be substantiated.

10. As regard the 767,103 acres, it must be remembered that the appointed day followed upon a number of war and other years in which the most strenuous efforts were made by the Central and Provincial Governments to bring every possible acre into cultivation and

there was considerable force in the argument put forward on behalf of West Punjab that generally speaking the Tribunal should assume that lands not even under temporary cultivation immediately prior to the appointed day cannot at that date and as matters then stood have had much value above the basic value of Rs. 100 per acre.

11. Moreover it does not seem to follow that, because in the years prior to the war Government was able to sell some thousands of acres annually and, during the pressure of the war years, considerably larger numbers of acres for an average figure of Rs. 760. that figure represents the value on the appointed day of the unsold Crown Lands or any of them. It must be assumed that much of the readily saleable lands had been sold and that it would probably take a very long time before the remainder would in fact be realizable at anything like that average figure. Any figure based on actual sales in the years preceding the partition must be drastically discounted for the purpose of deriving therefrom figure of value for the land remaining unsold.

12. Bearing all these considerations in mind, the Tribunal awards that an appreciated value of Rs. 100 per acre of the Crown Waste Lands subject to long leases and temporary cultivation and of Rs.50 per acre of the 767,103 acres shall be deemed to be the amount of appreciation on the appointed day due to the advent of canal irrigation and that the total amount so calculated shall be apportioned between the two Provinces in the general ratio and taken into account in the financial settlement accordingly.

13. A further claim is made by East Punjab that on the appointed day there were certain unrealized balances from lands sold or allotted to grantees. It appeared that on the appointed day there was certain amount of Crown Lands which had been sold under contracts by which the purchaser could pay the balance of the purchase price by instalments payable subsequent to the appointed day. There were other contracts under which land was allotted to person subject to the payment of a rent for a period with the right of exercising at some date subsequent to the appointed day an option to purchase the holding. The Tribunal considers that East Punjab has no right to claim any adjustment in respect of the second type of contracts. On the appointed day such contracts were not binding contracts for sale. On the other hand where prior to the appointed day any person had entered into a binding contract to purchase but had not paid off the full amount of the purchase price prior to the appointed day, the balances of purchase moneys outstanding on such contracts did constitute an asset of the united Province immediately prior to the appointed day in which East Punjab is entitled to share. The Tribunal accordingly awards that as and when moneys are received by West Punjab shall be entitled to receive their share of such moneys according to the general ratio and directs that on the 30th June and 30th December of each year starting with the 30th June 1948 West Punjab shall prepare and submit within 14 days of the half-yearly date a statement showing exactly what moneys had been received by West Punjab in respect of such outstanding balances since the appointed day in the case of first account and since the last half-yearly accounting day in the case of subsequent accounts and shall forthwith pay over to East Punjab on delivery of each account the amount shown as due to East Punjab. If any such contracts fail to be completed, the land comprised therein shall be deemed to be on the appointed day of the value of the contract price, less instalments

paid whether before or after the appointed day, and such sum shall be apportioned in the general ratio between the parties and brought into the financial settlement.

Dated: 17th March 1948.

S.P. SPENS
Chairman of the Tribunal

207

**Award of Arbitral Tribunal on
Reference No.3**

Partition Proceedings Vol.VIII-p.7-8.

This reference was submitted to the Arbitral Tribunal on the 30th November, 1947 in the following terms, namely:-

“Should there be any financial adjustment between East and West Punjab on account of land under the Irrigated forest plantation located at Chhanga Manga, Chichawanti, Khanewal Tehra, Daphar, Miranpur, Dipalpur and Arifwala in West Punjab, and if so, what would be the amount to be adjusted?”

2. The reference was argued before the Tribunal on the 4th February, 1948 and the following days. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the decision of the Chairman of the Tribunal

3. The claim in this reference is a claim by East Punjab similar to the claim made by East Punjab in reference No.2 in respect of Crown Waste Lands. The claim is in respect of 82,048 acres of lands subject to forest plantations including 10,864 acres of lands known as the Burala Plantation and 11,651 acres subject to the Haveli Project, the last two areas have recently been transferred to the Forest Department with a view to Forest Plantations being made of them. The claim is for an adjustment in respect of the appreciated value on the appointed day of these forest plantation lands due to the irrigation system.

4. The main claim that a value should be placed upon the portion of the appreciated value of these forest plantations due to irrigation is really decided by the award on reference No.2. Moreover, in the course of the proceedings it was accepted that the figure of Rs. 760 would also represent the average sale value per acre of these lands subject forest plantations and East Punjab made a similar claim at the rate of Rs. 660 per acre.

5. The same considerations as those set out in the award on reference No.2 apply to

the claim in this case. But, in addition land used for forest plantations is not intended to be and cannot be readily realized in the same way as land under temporary cultivation. The real appreciation in value due to irrigation will only become realizable as and when the plantations produce timber. These considerations particularly apply to the two blocks of 10,864 acres and 11,651 acres.

6. Under these circumstances whilst there must have been some appreciation in value, over the basic Rs. 100 per acre, existing on the appointed day in respect of these forest plantation lands, some portion of which must be attributed to the irrigation system, any such appreciation should be put at a lower figure than that attributed to Crown Waste Lands under temporary cultivation.

7. The Tribunal accordingly awards that the portion of the appreciated value on the appointed day of the two areas of 10,864 and 11,651 recently transferred to the Forest Department due to irrigation shall be taken at Rs.60 per acre and the portion of the appreciated value on the appointed day of the remaining 59,533 acres due to irrigation shall be taken at Rs. 75 per acre and that the total figure so calculated shall be apportioned between the two Provinces according to the general ratio and brought into the general financial settlement.

Dated: 17 March, 1948

W.P.SPENS,
Chairman of the Tribunal

208

Award of Arbitral Tribunal on Reference of Punjab Partition Committee Reference No.4

Partition Proceedings Vol. VIII, p.9-10.

This reference was submitted to the Arbitral Tribunal on the 30th of November, 1947 in the following terms, namely:—

“On what basis should the book value of “Bulk Storage Bins’ and “Lahore Sheds’ constructed for the storage of foodgrains held on Government account by the Civil Supplies Department, Punjab, at various places, be determined for the purpose of financial adjustment between the East and the West Punjab?”

2. The reference was argued before the Tribunal on the 11th of February 1948. Sardar Harman Singh, Advocate-General of East Punjab Mr. G.N.Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two Members of the Tribunal

3. It was not disputed that the "Bulk Storage Bins" and the 'Lahore Sheds' were assets of the united Province of the Punjab on the 14th of August 1947, or that book value should be the basis on which these assets should be valued for the purpose of the financial settlement. It was moreover, agreed that the "Bulk Storage Bins" were wholly the property of the united Province of the Punjab, but that the "Lahore Sheds" belonged jointly to the Government of British India. It was further agreed that the cost of construction of the 'Bins' amounted to Rs.47,09,792 and that the cost of construction of the 'Sheds' amounted to Rs. 6,74,897.

4. Both assets had been created during the War at the instance of the Central Government. A special arrangement had been entered into by the Government of the united Province of the Punjab with the Central Government whereby the Central Government was to contribute half the cost of the 'Lahore Sheds' and the united Province of the Punjab by means of a surcharge on exports of foodgrains from the Province was to recoup itself so as to enable it to write down the cost of construction of the 'Storage Bins' and 'Sheds' to 50 per cent and 5 per cent, respectively.

5. It was argued on behalf of West Punjab that the original cost of construction of the 'Bins' and half the original cost of construction of the 'Sheds' should not be taken as the book value of these assets, but that only the residuary values of 50 per cent and 5 per cent, respectively, should be taken.

6. The Tribunal has throughout taken the book value, i.e., the cost of construction as standing in the books on the 14th of August 1947, as the proper basis of valuation for such unproductive assets and it does not consider that the residuary value under the special arrangement entered into between the Government of the united Province and the Central Government referred to above should be substituted for the cost of construction in the general financial adjustment between the parties. At the same time the Tribunal considers that as the 'Bins' and 'Sheds' were erected under abnormal circumstances the original cost of construction should be properly discounted.

7. The Tribunal, therefore, awards that in estimating the book value at which the 'Bins' and 'Sheds' are to be brought into the general financial settlement the original cost of the 'Bins' namely, Rs.47,09,792, shall be discounted and of the 'Sheds' Rs 3,37,448 (representing the half interest of the Government of the united Province) shall be discounted by 50 per cent. The total figure thus arrived at will be apportioned according to the general ratio and the value of the 'Bins' and 'Sheds' within the areas of the respective Provinces calculated on the above basis will be brought into account.

8. It was agreed between the parties that on the 15th of August, 1947 a substantial sum in respect of the liability of the Central Government to contribute its half share of the cost of the construction of 'the Sheds' was outstanding. Any sum in respect of this outstanding

liability when recovered will, of course, be apportioned between the parties according to the general ratio.

Dated 17th March 1948

M. ISMAIL
Member of the Tribunal

H.J. KANIA
Member of the Tribunal.

W.P. SPENS
Chairman of the Tribunal

209

Award of Arbitral Tribunal on Reference of Punjab Partition Committee

Partition Proceedings Vol. III, p.11-12.

REFERENCE NO.5

This reference was submitted to the Arbitral Tribunal on the 30th of November, 1947 in the following terms, namely:—

1. Is West Punjab Government not entitled to a share of the income from seigniorage levied by the Punjab Province from the States of Bikaner, Patiala, Nabha and Jind on account of water supplied to them from the Sutlej?

Note: East Punjab objects to the onus being placed on them.

2.
 - (a) In what ratio should the income from seigniorage be divided between East and West Punjab, and
 - (b) Should not the future determination of seigniorage rates be made subject to previous concurrence by West Punjab Government?

2. The reference was argued before the Tribunal on the 10th of February 1948 and the following days. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the decision of the Chairman of the Tribunal.

3. Considerable time was taken in endeavoring to ascertain and explain to the Tribunal and exact legal position in regard to the obligation of the States receiving water to pay, and the Government of East Punjab to revive, the seigniorage charges after the 15th August 1947. It appears that in respect of the arrangements existing immediately before the

15th August for the supply of water to the States in question, no interruption, could reasonably be anticipated. the reference should therefore be dealt with on the basis that whatever right the united Province of the Punjab had to receive the seigniorage charges would continue to be enjoyed by the Government of the East Punjab and such right should be regarded as an asset of the united Province of the Punjab immediately before the appointed day and be dealt with accordingly.

4. It was agreed between the parties that prior to the 14th August 1947 the annual sums receivable by the united Province in respect of seigniorage charges were:-

Rs. 1.61,000 under the agreement with Patiala, Nabha and Jind.

Rs. 2,00,000 under the agreement with Bikaner.

5. The East Punjab suggested that these sums should be capitalized. The West Punjab suggested that whatever was received should be paid over year by year.

6. The Tribunal considers that in this case capitalization is preferable and more in accordance with the scheme of the Punjab Partition (Apportionment of Assets and Liabilities) order, 1947.*

7. The Tribunal accordingly awards in answer to questions 1 and 2(a) that the stated sums receivable for seigniorage charges shall be capitalized on the basis of 20 years' purchase and the total sum of Rs. 72,20,000 shall be apportioned in the general financial settlement between the East and the West Punjab according to the general ratio. The Tribunal answers question 2(b) in the negative.

Dated: 17th March 1948.

W.P.SPENS,
Chairman of the Tribunal.

* See Document no. 151

210

Award of Arbitral Tribunal on reference of Punjab Partition Committee Reference No.6

Partition Proceedings Vol. III, p.13-14.

March 17,1948

This reference was submitted to the Arbitral Tribunal on the 30th November, 1947 in the following terms, namely:—

“What should be the ratio for the financial adjustment between East and West Punjab

in respect of assets, and liabilities of the Punjab Province?"

2. The reference was argued before the Tribunal on the 2nd of February, 1948, and the following days, Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Sleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the decision of the Chairman of the Tribunal.

3. At an early stage in the proceedings the parties agreed that the same general ratio should be applied both to the apportionment of assets and to the apportionment of liabilities.

4. The East Punjab contended that the ratio should be based on the respective populations of the two new Provinces, namely, 44.4 East Punjab and 56.6 West Punjab. The West Punjab contended that the ratio should be based on the respective contributions to revenue of the two new Provinces namely, 36.5 East Punjab and 63.5 West Punjab.

5. The Tribunal considered that there was no reason to adopt exclusively either of these bases contended for by the parties, but reference to adopt figures based on the average of figures for population, area and contributions to revenue, after such figures had been adjusted in view of the final boundary award. In so acting the Tribunal is adopting the principle of the recommendation made on the 26th July 1947, by the Committee A set up by the then Governor to consider the division of the financial assets and liabilities of the united Province of the Punjab.

6. The Tribunal accordingly awards that the assets and liabilities of the old united Province shall be adjusted for the purposes of the financial settlement in the ratio of 60 per cent West Punjab and 40 per cent East Punjab

7. The application of this general ratio is subject and without prejudice-

- (a) to any provision in the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, prescribing the application of any other ratio to any particular asset or liability,
- (b) to any agreement reached by the Punjab Partition Committee prior to the submission of this reference as to particular assets or liabilities being treated in any other way, and
- (c) to any awards made by the Tribunal on other references directing that particular assets and liabilities shall be treated in any other way.

8. The above decision as to the general ratio was communicated by the Chairman to the members of the Tribunal before the awards on the subsequently numbered reference were made. The Members recognize that the decision of the Chairman as to the general ratio is binding on the parties. In regard to a number of the subsequently numbered reference

where the main question is whether there should be a physical apportionment or not, the Members were agreed on the answer to the question and that where a physical apportionment is refused the value of the assets must be brought into the general financial settlement and apportioned.

In view to the absence of agreement on the general ratio, the remaining question for them to decide was whether there should be a separate ratio in any particular case. In making their awards on such references, they have taken that question into consideration.

Dated 17th March 1948.

W.P.SPENS,
Chairman of the Tribunal

211

Award of Arbitral Tribunal on reference No.7 Reference No.7

Partition Proceedings, Vol.III, p.15.

This reference was submitted to the Arbitral Tribunal on the 30th of November, 1947, in the following terms, namely-

“Should the assets of the Punjab Co-operative Union, the Provincial Co-Operative Bank, the Co-operative Industrial Bank of Amritsar and the N.W.R. Credit Society be divided on account of the partition of the Punjab into East and West Punjab?”

2. The reference was mentioned to the Tribunal on the 19th of February, 1948, Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

3. As the assets of the institutions mentioned in the reference were admittedly not assets of the united Province of the Punjab, the Tribunal has no power under section 4(1) (g) of the Arbitral Tribunal Order, 1947, to deal with the matter, and therefore makes no award.

Dated 17th March 1948.

H.J.KANIA
Member of the Tribunal

M.ISMAIL,
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal

**Award of Arbitral Tribunal on Reference of Punjab Partition Committee
Reference No.8**

Partition Proceedings Vol.VIII, p.17-18.

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on the 13th of December, 1947, in the following terms, namely:-

“In what manner should the pensionary liability of the Punjab Province be shared between the two new provinces of East Punjab and West Punjab?”

2. The reference was argued before the Tribunal on the 4th of February, 1948. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

3. The reference was adjourned in order that the parties might consider coming to some agreement on the matter on the lines followed by East and West Bengal and or the Dominions of India or Pakistan.

AWARD

Being the agreed decision of the two Members of the Tribunal.

4. The parties through their counsel agreed that an award should be made in the following terms, namely, that their relative share of the pensionary liability shall be discharged as follows:-

- (a) The liability in regard to the serving and retired Government servants should be capitalized, the work being entrusted to the Actuarial Agency agreed upon for similar purposes between the Dominions of India and Pakistan.
- (b) The Liability may be allocated between the two provinces in the general ratio determined for financial adjustment between the two provinces in respect of the assets and liabilities of the united Province of the Punjab.
- (c) Each Province will pay the pensions of the pensioners in its territory as also for the serving officers who have been taken over by it. If the capitalized value of the pensions paid in East Punjab and for personnel taken over by East Punjab is more or less than its share of the total liability under (b) above, the excess or shortage will be accounted for in the general financial settlement.
- (d) If any Punjab pension is being paid outside India or Pakistan, it will be included in the pensions paid in West Punjab. If any pension is being paid at any place in India or Pakistan, but outside East or West Punjab, it will be included in the pensions paid in East or West Punjab respectively.
- (e) Existing facilities for transfers of Punjab Pensions from one province to the other

or to any other part of the other Dominion will remain available till all the transfers desired by 31st, March 1948 have been effected. All such pensions will be taken into account in preparing the capitalization lists.

5. The Tribunal makes an award in accordance with these agreed terms.

Dated 17th March 1948.

H.J.KANIA
Member of the Tribunal

M.ISMAIL
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal.

213

Award of Arbitral Tribunal on Reference of Punjab Partition Committee Reference No.9

Partition Proceedings Vol. VIII, p. 19-20.

This reference was submitted to the Arbitral Tribunal with the permission of the Chairman on the 13th of December 1947, in the following terms, namely:—

“Should there be a physical division of the following assets between the Provinces of East Punjab and West Punjab?

Equipment, accessories and stock in Government Central Workshop at Amritsar.”

2. The reference was argued before the Tribunal on the 13th of February, 1948 and the following days, Sardar Harnam Singh, Advocate General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two Members of the Tribunal.

3. Under the powers conferred by Section 9, sub-section (2) of the Indian Independence Act, 1947, His Excellency the Governor of the Punjab made a number of Orders on the 13th of August 1947. Amongst such Orders were the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, (vide Document no. 151) the Punjab Partition (Training Research and Educational Institutions) Order, 1947. Under the first of these Orders it was provided that either of the new Provinces might on or before the 15th September 1947 present a claim to the other new Province for the physical apportionment of such assets as were immediately movable or which could be moved without major structural alteration of immovable assets. Under the two letter Orders the continuance after the appointed day of

a number of institutions as complete units was implied. As regards the Government Central Workshop, Amritsar, it was provided by the last mentioned of the three Orders that certain facilities for requiring work to be done in this workshop at Amritsar should be enjoyed by the West Punjab Province for three years with effect from the 15th of August 1947.

4. In the case of all institutions whose continuance as complete units was implied by the Orders made by His Excellency the Governor of the united Province of the Punjab the Tribunal felt that though it might well be legally entitled to order a physical apportionment of such assets, it might have the effect of seriously crippling the continued existence of the institutions as complete units or prevent an institution from providing the facilities prescribed in the orders of His Excellency the Governor, and therefore it would be desirable that in the case of such institutions a physical apportionment of moveable assets should not be ordered.

5. Accordingly the Tribunal considers that no physical division should be made of any of the equipment, accessories or stock in the Government Central Workshop at Amritsar, being the institution described in the third of the Orders above referred to as the Central Irrigation Workshop, Amritsar.

6. This institution does not appear in the schedule to the Punjab Partition (Apportionment of Assets and Liabilities) Order 1947. There is, therefore, no express direction in that Order that the contents of the workshop should be valued and taken into account, in the general financial settlement. It is clear, however, that equipment accessories and stocks in the Government Central Workshop at Amritsar, which are the subject matters of this reference were a valuable asset of the old united Province immediately before the appointed day.

7. Whilst the tribunal is unwilling to direct physical apportionment of these movables, the Tribunal in exercise of the powers conferred upon it by the Arbitral Tribunal Order, 1947, and the Indian Independence (Rights, Property and Liabilities) Order, 1947, directs and awards that all the equipment, accessories, stocks and other movables belonging to or forming part of the Government Central Workshop at Amritsar on the appointed day and being immediately before that date the property of the united Province of the Punjab shall be valued at book value and the values so ascertained shall be brought into account in the general financial settlement between the two parties and adjusted according to the general ratio.

Dated 17th March 1948

H.J. KANIA
Member of the Tribunal

M.ISMAIL
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal

Award of Arbitral Tribunal on Reference No. 12

Partition Proceedings Vol. VIII, p.25-29.

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on the 13th of December 1947 in the following terms, namely:—

- “(1) Is not the decision of the Partition Committee in paragraph 59 of a Committee Report under Item NO.4 of agenda in respect of the division of the exhibits and equipment of the Lahore Museum, arrived at in its meeting on the 1st August 1947, a bar to the West Punjab Government reopening that decision?
- (2) If it is not a bar, should the exhibits and equipment of the Lahore Museum be physically divided between the two Provinces of East Punjab and West Punjab, and if so on what principles.
- (3) If, however, it is a bar on what principles should the exhibits and equipment of the Lahore Museum be divided between the two Provinces of East Punjab and West Punjab.
- (4) If the decision is against physical division of the exhibits and equipment of the Lahore Museum, what are the principles of the Lahore Museum, what are the principles on which the financial adjustment should take place.”

2. The reference was argued before the Tribunal on the 18th of February 1948. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Sleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two Members of the Tribunal.

3. After some discussion the Tribunal with the agreement of the parties decided to appoint Mr. S.N. Gupta, a former Curator of the Museum to visit the Museum on behalf of the Tribunal and make a report to the Tribunal as to the contents of the Museum and to advise the Tribunal as to the method in which exhibits might be physically apportioned between the two Provinces according to the general ratio with such modifications as were desirable having regard to any special sentimental and religious affinity which any class of the exhibits might have with either of the Provinces and without materially impairing the utility and value of the different collections in the Museum.

4. The Tribunal have received a report from Mr. Gupta and his suggestions as to the general lines on which the various exhibits might be physically apportioned between the two Provinces. Such suggestions are briefly indicated in the schedule to this award.

5. The Tribunal Awards:-

- (i) that the exhibits and equipment situate in or belonging to the Lahore Museum on the appointed day and being the property of the united Province of the Punjab immediately prior to the appointed day shall be physically divided between the two Provinces of East Punjab and West Punjab on the lines set out in Mr. Gupta's report to the Tribunal and briefly indicated in the schedule hereto.
- (ii) that each Province shall appoint one representative to meet Mr. Gupta at the Lahore Museum on the 31st March 1948 and on the subsequent days and that Mr. Gupta on behalf of the Tribunal shall proceed to divide between the two Provinces the exhibits and equipment of the Museum on the lines of his report to the Tribunal.
- (iii) that West Punjab shall take all necessary steps for assisting Mr. Gupta to carry out his duties on behalf of the Tribunal, including the making of arrangements for Mr. Gupta to inspect any articles in the personal charge of the Curator or any other articles not previously inspected by Mr. Gupta.
- (iv) that the respective representative of the two Provinces shall immediately take possession of the portions of the exhibits and equipment in the Museum allocated by Mr. Gupta to the respective Provinces.
- (v) that West Punjab shall provide the representative of East Punjab with accommodation in which the exhibits and equipment allocated to East Punjab can be immediately stored pending transport and West Punjab shall provide all requisite transport facilities by road for the exhibit and equipment allocated to East Punjab from Lahore to Amritsar.
- (vi) that the exhibits and equipment in the Museum allocated to East Punjab shall be removed from Lahore to Amritsar with all convenient despatch after they have been allocated by Mr. Gupta to and possession given to the representative of East Punjab.
- (vii) that West Punjab shall be responsible for taking all necessary protective measures of the exhibits and equipment allocated to East Punjab both while they are stored in Lahore and during their removal to Amritsar up to the boundary of the two Provinces.
- (viii) that exhibits temporarily sent to London shall be included in the division but if not returned by the 31st MARCH shall be the subject of a further report by Mr. Gupta to the Tribunal.

6. The Tribunal also awards that any dispute or difference arising in respect of physical apportionment during the course of the division at Lahore shall be decided there forthwith on behalf of the Tribunal by Mr. S.N. Gupta whose decision shall be final.

7. Mr. Gupta shall report to the Tribunal as soon as he has completed the division of the exhibits and equipment.

8. The Tribunal shall thereafter make a further award taking into consideration the recommendations of Mr. Gupta in respect of the exhibits temporarily sent to London and any other matter on which Mr. Gupta may ask for a further decision pending completion

of the division of the equipment and exhibits this award must be deemed to be provisional only.

Dated 17th March 1948.

H.J. KANIA
Member of the Tribunal

M. ISMAIL
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal

SCHEDULE

Sections	Approximate Number	West Punjab	East Punjab
1. Prehistoric sections	3,450	60	40
2. Gandhara Sculptures	994	60	40
3. Indian Antiquities Section	174	40	60
4. South Indian Bronzes	70	40	60
5. Inscriptions	55	60	40
6. Nepalese and Tibetan Sections	389	40	60
7. Coins	20,163	60	40
Plus	151	60	40
8. Paintings Section			
(a)	548	50	50
(b)	615	60	40
9. Arts and Crafts	1,909	60	40
10. Peasant Jewellery	—	60	40
11. Manuscripts	42	22	20
12. Ancient armour	428	60	40
13. Library	2,846	60	40
14. Lantern Slides sets	403	60	40
Paintings in portfolios	968	60	40
All contents of godown and cupboards in the craft galleries		60	40
Miscellaneous object not entered in the above list		60	40

Award of Arbitral Tribunal Reference No. 25

Partition Proceedings Vol.VIII, p.75-76.

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on 22nd December, 1947 in the following terms, namely:—

- “(a) The Government of East Punjab claims the Persian records, in original (Khalsa Darbar records, bastas and miscellaneous manuscripts) and offers to supply copies to the Government of West Punjab on the principle on which the Government of West Punjab will retain the original English records and supply copies to the Government of East Punjab (the files relating to the period 1806-1849, 1849-1858 and 1859-1946). The West Punjab Government wants to retain the original Persian records and supply copies of the same to the Government of East Punjab. Should this claim of the Government of East Punjab be accepted, and if so to what extent?
- (b) The Government of East Punjab claims a share of the pictures and other exhibits in the Museum attached to the Punjab Historical Record Office. The Government of the West Punjab does not agree. Should this claim of the Government of East Punjab be accepted, and if so, to what extent?”

2. The reference was argued before the Tribunal on the 18th of February 1948, Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab, and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two Members of the Tribunal.

3. The Tribunal awards as follows:-

- (i) In regard to the original Persian records referred to in question (a):

The original 120 rolls of Khalsa Darbar Records* shall be delivered and belong to the East Punjab and the original 350 bastas and all the miscellaneous manuscripts shall be retained and belong to the West Punjab. Each Province shall at the cost of the demanding province supply with all reasonable despatch to the other copies of the original declared to belong to it, if so required by the other Province.

- (ii) In regard to the pictures and other exhibits referred to in question (b):

- (a) Pictures and original documents, other than letters taken out of the English files shall be apportioned between the two Provinces as far as may be half and half.
- (b) Lithographs, prints, photographs, etc., shall primarily be apportioned as near as

- may be half and half.
- (c) Weapons, seals, etc., shall similarly be apportioned half and half.
 - (d) Whichever Province is apportioned any original the Province at the cost of the other Province supply with reasonable despatch a photograph of such original, if so required.

4. The Tribunal further directs that, having regard to the physical apportionment of these movables, they shall be valued or brought into account in the general financial settlement between the two parties.

Dated 17th March 1948

H.J. KANIA
Member of the Tribunal

M.ISMAIL
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal

* *Khalsa Darbar Records are at present in the Punjab Government State Archives, Patiala.*

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Arbitral Tribunal Award on Reference No. 31

Partition Proceedings Vol.VIII, p.87-88

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on the 22nd December, 1947, in the following terms, namely:—

“Should there be a physical division of the following assets between the Province of East Punjab and West Punjab: Machinery purchased from A.R.P. organization or use in the buildings and roads Branch, lying with the Public Health Branch at Lahore”

2. The reference was argued before the Tribunal on the 19th of February 1948. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two Members of the Tribunal

3. After some discussion the parties through their counsel agreed that the machinery and other items referred to in this reference should be divided in accordance with the list which was signed by both the Chief Engineers and the Tribunal was requested to make an award accordingly.

4. The Tribunal, therefore, awards that the machinery and other items referred to in the reference shall be divided between the two parties as set out in the list signed by the Chief Engineer of each party, a copy of which is appended to this award.

5. The Tribunal further directs that having regard to the physical apportionment of these machinery and other items, they shall not be valued or brought into account in the general financial settlement between the two Provinces:

Dated 17th March 1948

H.J. KANIA

Member of the Tribunal

M.ISMAIL

Member of the Tribunal

W.P. SPENS

Chairman of the Tribunal

APPENDIX

Serial No.	Short Description	Total quantity	Allotted to	
			East	West
1/18	Worthington Simpson Inflow Pump size, 5" 4"	2 Nos.	1	1
2/19	Worthington Simpson Marine type 3" centrifugal pump.	2 Nos.	1	1
3/20	Worthington Simpson ARK special pump.	1 Nos.	-	1
4/22	Worthington Simpson 515 centrifugal pump	1 Nos.	1	-
5/25	Pulsometer Horizontal centrifugal pump 3" 2"	1 Nos.	1	-
6/28	Peerless Pump Capable of delivering 6,230 gallons against 108' head.	1 Nos.	-	1
7/43	Fenner V-Rope B. 60	3 Nos.	1	2
8/42	Fenner V-Rope B-120	24 Nos.	12	12
9/54	Self aligning Ball bearing Plumber Block 2" 1/2	6 Nos.	3	3
10/50	Chain Pulley Block one ton	1 Nos.		1
11/60	Morris Worn Gear Chain Pulley Block 2 tons	2 Nos.	1	1
12/61	Tripod	1 Nos.	1	

13/62 Three inches armoured section
hose 5 feet or 4 lengths.

56 feet 2 lengths

The 19th February 1948

BRIJMOHAL LAL
Chief Engineer, East Punjab

The 19th February 1948

S.A. HAMID
Chief Engineer, West Punjab

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Award of Arbitral Tribunal on Reference No. 32

Partition Proceedings, Vol.VIII, p.91-92.

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on the 22nd December, 1947, in the following terms, namely:-

“Should there be an immediate division between East Punjab and West Punjab in respect of the Government Securities worth approximately Rs. 14 crores which are lying frozen with the Reserve Bank of India in the view of clause 5(2) of the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and if so, in what proportion?”

2. The reference was argued before the Tribunal on the 3rd February, 1948 and the following days, Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two members of the Tribunal.

3. This reference raises the question of the construction and meaning of sub-clause (2) of clause 5 of the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, which was made by His Excellency the Governor of the united Province of Punjab on the 13th of August, 1947.

4. These Government securities of approximately Rs. 14 crores were referred to as “the remaining securities” in sub-clause (2) of clause 5 of the Order, Sub-clause (2) provided that they shall be retained by the Reserve Bank of India in trust for the two new Provinces and shall not be endorsed or negotiated otherwise than as part of the said general financial settlement. The general financial settlement is outlined in clause 6 of the Order. It specifically required the settlement to relate to and include all the assets and liabilities of the united Province of the Punjab as they stood immediately before the appointed day except

the assets and liabilities for the apportionment of which express provision was made by clauses other than clauses 3, 4 and 5 of the Order. No other provision is found in the Order to apportion these securities or to declare the respective interests of the two Provinces therein. The Governor's order is thus silent as to the proportion in which the two provinces were to share these securities. Under the power conferred upon the Tribunal by the Arbitral Tribunal Order, 1947,* and Indian Independence (Right, Property and Liabilities) order 1947, the Tribunal has ample jurisdiction to declare the interests of the two Provinces in these securities and, but for the wording of clause 5 of the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947,** could, if it thought fit, direct a division immediately.

5. The Tribunal, under the circumstances, does not think it desirable to make any order for the immediate division of the securities. Having regard to the doubts which might arise as to the interest of the two Provinces to these securities, the Tribunal, however, makes it clear that these securities were on assets of the united Province of the Punjab immediately prior to the appointed day, and the Tribunal accordingly awards that these securities shall be apportioned as part of the general financial settlement between the two Provinces as their properties in accordance with the general ratio.

Dated 17th March 1948.

H.J. KANIA

Member of the Tribunal

M.ISMAIL

Member of the Tribunal

W.P. SPENS

Chairman of the Tribunal

* Vide Document no. 148.

** Vide Document no. 151.

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Award of Arbitral Tribunal on Reference No. 33

Partition Proceedings Vol.VIII, p.93-96.

This reference was submitted to the Arbitral Tribunal (with the permission of the Chairman) on 22nd December 1947 in the following terms, namely:-

- “(1) Is the Government of West Punjab entitled to claim that the electrical energy generated at Jogindernagar (Mandi Hydro-Electric Scheme) should continue to be supplied to consumers in West Punjab for some further years, and if so,
- (a) in what quantities;
 - (b) for what period; and
 - (c) at what rates?
- (2) Pending the decision of this reference, what should be the charges payable for

energies supplied to West Punjab subsequent to the 31st December 1947, when the current temporary agreement expires?

(2) The reference was argued before the Tribunal on the 11th February, 1948 and the following days. Sardar Harnam Singh, Advocate-General of East Punjab, Mr. G.N. Joshi and Mr. Gurdev Singh appeared for the Government of East Punjab, and Mr. Saleem and Mr. Mansur Qadir appeared for the Government of West Punjab.

AWARD

Being the agreed decision of the two members of the Tribunal.

3. The first objection raised by the East Punjab was that this was not a matter within the jurisdiction of the Tribunal. The reference is headed as a question brought under Article 5(1) of the Arbitral Tribunal Order, 1947. (Vide Document no. 148). It was further submitted that the relief asked for did not fall under any provision of the Arbitral Tribunal Order, 1947, or any other Order. The Tribunal holds that the objection is unsound and rejects the same. Under Article 8(3)(b) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, the liability of the united Province of the Punjab in respect of contracts made with customers for the supply of electricity primarily fell on the Province of West Punjab and they could properly ask the Tribunal to decide the question of contribution by the East Punjab in regard to such contractual liability under Article 13(2) of the said Order. The Tribunal holds that this is the effect of the question set out in the reference.

4. The Hydro-Electric Works, which generate the energy, are erected on land taken on lease from the Mandi State. The current is carried from the generating plant over the high transmission cables and towers through territory which is now of the Government of the East Punjab to the territory which is now the Government of West Punjab. The whole project is described as "The Mandi Hydro-Electric System". Those parts of the System which immediately before the appointed day were within the area of either of the two new Provinces became the property of that Province respectively on the appointed day. The main plant and machinery erected on the land leased from the Mandi State, not being situated in either Province, under the provision of Article 5(2) (c) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, became vested in His Majesty on the appointed day for the joint purposes of the two Provinces until there was an agreement between the parties or an award was made by this Tribunal.

5. The Government of the West Punjab claims that electric energy should continue to be supplied to consumers in the West Punjab and have asked for the assistance of the Tribunal to determine whether the supply of the electric power from the Mandi Hydro-Electric System should be continued to the West Punjab, and if so, (a) in what quantities, (b) for what period, and (c) at what rates?

6. On the 13th August, 1947, His Excellency the Governor of the united Province of the Punjab made an order called the Punjab Partition (Mandii Hydro-Electric System Operation) order, 1947, which prescribed that power should continue to be supplied to the

West Punjab from the appointed day till the 15th November, 1947, or up to such further time as may be agreed between the parties. By agreement the date was extended to the 31st December, 1947. The supply has been continued after the 31st December 1947 without any agreement. The second part of the reference accordingly asks the Tribunal to determine what charges should be paid for the supply subsequent to the 31st December, 1947.

7. From the statements of the cases filed by the two Governments, it appears that before the appointed day there were numerous contracts between the united Province of the Punjab (through the Public Works Department) and individual consumers for the supply of electric energy. Such contracts do not specify the sources from which the power had to be supplied by the Government. It is common ground that the Province of the West Punjab has other electric power generating systems from which a certain quantity of power could be supplied to the consumers, but for a considerable period after the appointed day it would not be possible for the Government of the West Punjab to fulfil its contractual liability without a supply of some energy from the Mandi Hydro-Electric System.

8. The Tribunal, therefore, decided to treat this reference as an application by the Government of the West Punjab under Article 13(2) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, for a contribution from the East Punjab in respect of the contractual liabilities falling on the West Punjab, and to determine what that contribution should be.

9. It has to be remembered that the consumers will be changing from time to time in both the new Provinces and that the current required by them will also vary from month to month. Again the contracts with the consumers are not for fixed periods and have several conditions under which they could be determined. The current to be supplied to West Punjab has to be carried over high transmission cables situated in the territory of the East Punjab and the transmission towers and cables within the East Punjab will have to be kept in good repair. The Tribunal, therefore considers that any arrangement for the supply of current from the East Punjab to the West Punjab should be temporary only and should cease as soon as possible, consistently with justice and equity and the necessity of the consumers concerned.

10. In addition to the power given to the Tribunal by the Indian Independence (Rights, Properties and Liabilities) Order 1947, it has wide powers in respect of the division of assets and liabilities under the Arbitral Tribunal Order, 1947, which also confers upon it the power to make conditional awards.

11. The Tribunal accordingly awards as follows: (1) that the Government of the East Punjab shall continue to supply current to the West Punjab from the Mandi Hydro-Electric System up to the 31st March 1949 on the following terms and conditions:-

- (a) That up to the 30th September 1948, 50 per cent of the total amount of the current generated by the Mandi Hydro-Electric System shall be supplied to the West Punjab.

- (b) As from the 1st October 1948 up to 31st December 1948, the quota of 50 per cent to be supplied to the West Punjab will be reduced by one quarter.
- (c) As from the 1st January 1949 up to 31st March 1949, the quota of 50 per cent to be supplied to the West Punjab shall be further reduced by one quarter.
- (d) That within one month from the presentation of the bill the Government of the West Punjab shall pay to the Government of the East Punjab all charges due in respect of the current supplied to it between the 1st January 1948 and the 29th February 1948 at the rate mentioned in subclause (f).
- (e) That the Government of the West Punjab shall within fifteen days after presentation of the bill pay from month to month to the Government of the East Punjab for the current supplied under the terms of this award, from the 1st March 1948 onwards.
- (f) That the charge for the current supplied from and after the 1st January 1948 shall be at the rate of six pies per unit.
- (g) That as from the 1st April 1949 the Government of East Punjab shall not be liable to supply to the Province of the West Punjab, or to any consumer in the territory of the West Punjab, any current from the Mandi Hydro Electric System.

12. That as from this day, the plant, machinery and other parts of the system situated within the territory of the Mandi State and within the territory of the East Punjab shall be the exclusive property of and be under the management and control of the government of the East Punjab, and the plant, machinery and other items constituting the system (including that part which is situated within the territory for the Mandi State and the West Punjab shall be valued as an asset of the united Province of the Punjab as its book value and the value so ascertained shall be brought into account in the general financial settlement between the two parties and adjusted according to the general ratio.

Dated 17th March 1948
H.J. KANIA
Member of the Tribunal

M. ISMAIL
Member of the Tribunal

W.P. SPENS
Chairman of the Tribunal

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Chief Liaison Officer (India) to Chief Secretary, East Punjab

P.B.R.F. 218-ER-48C. p.1-10

By air mail.

EAST PUNJAB LIAISON AGENCY
CONFIDENTIAL
D.O.No. 27581/ /CLO

105, UPPER INDIA LAHORE
29th April, 1948

Dear Mr. Sachdev,

This is in continuation of demi-offical letter No. 18661/CLO, dated the 23rd April, 1948. I have now visited along with Mrs. Bhag Mehta and Captain Sethi as before, the districts of Sheikhupura, Sargodha, Mianwali, Jhang and Lyallpur. Detailed reports regarding each districts are attached herewith. The conclusions arrived at are summarized below:-

(a) *Seikhupura*

The total number of persons still to be evacuated is about 1900, out of whom at least 1300 are *baazigars*. Almost all of them are converts. They are being collected in the camp and sent to Lahore from where they will be evacuated to Amritsar. These people have no camels with them.

The number of abducted women still to be recovered is about 100 and the District Liaison Officer has clues of 47 out of them. The progress of recovery is very slow. From 1st of April, 1948 to 25th April, 1948 only 16 women and 10 children were recovered. About 30-35 guides are always present in the camp. In these circumstances it is necessary that the District Liaison Officer must continue to work here.

(b) *Sargodha*

The total number of persons still to be evacuated is about 300. Most of them are converts, About 100 women have still to be recovered; 28 are reported to do with pathans and clues of another 70 are available with the District Liaison Officer and a list has been given to the Superintendent of Police. The progress of recovery is very slow as in other districts. A large number of converted persons in the Phalia Tehsil of Gujrat district, which adjoins this district, are camping up to the border and are being evacuated by this District Liaison Officer. I propose to continue him so long as separate and satisfactory arrangements for evacuation of converted persons from Gujrat district are not made.

(c) *Mianwali*

No evacuation is being done for the last 15 days as Pakistan Military troops were not available to go with the Indian troops for pocket clearance. The Deputy Commissioner has now agreed to send Pakistan police with the Indian military for pocket evacuation from Bhakkar tehsil from where a large number of persons is still to be evacuated. Major Shingle, Detachment Commander of the Indian troops in Mianwali district has very good relations with the Deputy Commissioner and worked in this district as a Recruiting Officer before the partition. It is hoped that Major Shingle's operations will be successful. The known number of people to be evacuated is 566. Nearly all of them are converts. Chapri and Miha Khathak areas cannot be cleared without the assistance of Pakistan troops, and as desired by the Deputy Commissioner, I have asked the Commander, M.E.O. (I) to contract the Pakistan M.E.O. to arrange for these troops as quickly as possible. A large number of guides

are present in the camp. As is known to you, work could not be done in Mianwali district because of the withdrawal of our troops. It is only on the 8th of March, 1948 that a camp was re-established.

The number of women to be recovered is very large. Thana-wise and tehsil-wise lists of 322 cases that have been prepared by the District Liaison Officer with the help of the guides were discussed with the Deputy Commissioner and the Superintendent Police. The progress of recovery is very slow. Only 4 children were recovered from 1st of April to 26th of April.

It is necessary that two District Liaison Officers should work in this district, one at Mianwali and the other at Bhakkar. Originally two were put there but they had to come away when the Indian troops were withdrawn by the M.E.O. (I). I took with me Dr. Narula and wanted him to work in Bhakkar tehsil. Unluckily both the Deputy Commissioner and the Superintendent Police do not want Mr. Kalra (who belongs to the district and, therefore, knows the villages and the inhabitants) to work in the district. There are no specific complaints against Mr. Kalra, but it has been said that he is tactless and is likely to be shot dead if he is retained in the district. It appears to me that Mr. Kalra has probably been overzealous and has incurred the displeasure of the police because he has been insisting on the production of better results. In these circumstances Dr. Narula will have to look after the work of the whole of the district.

(d) *Jhang*

The number of persons to be evacuated is 1623. This includes about 660 *bazigars*.

The number of abducted women and girls to be recovered is 112. In a number of cases the Deputy Commissioner has interfered and recorded the statements of recovered women, 3 women have been returned to the abductors under the order of the Lahore High Court as a result of an application under the Habeas Corpus Act. The cases of three women have been adjourned to 8th of May 1948 by the Lahore High Court. Only 6 women and 8 children have been recovered from 1st to 28th April, 1948. The progress of recovery work is very slow but it is difficult to give up effort when clues are available in a large number of cases. The Deputy Commissioner and the Superintendent Police whom we met have promised to make an all out effort. The District Liaison Officer is working without any Indian military being in the district. He says that quite a large number of persons are getting ready to be evacuated as soon as the harvest has been collected. I think useful work is being done and I will let the District Liaison Officer continue working for the present.

(e) *Lyallpur*

About 10,000 persons have still to be evacuated from this district. They are mostly converts, *Bazigars* and scheduled castes. About 5000 *bazigars* and one thousand camels are being collected in three centres. I have asked the M.E.O. (I) to arrange for their evacuation by foot. I may add here that these *bazigars* previously refused to get out of Pakistan. They have recently been attacked and looted and some of them were injured in the course of an attack by some Muslim villagers. This is why most of them are now anxious to get out.

About 400 abducted women and girls have still to be recovered. About 32 of them are reported to be with known *badmashes* or influential persons and definite clues are available for about 60 of them. Lyallpur is one of the districts where a good deal of work is still to be done and the District Liaison Officer must continue to work there for the present.

2. I went to visit Gujranwala this morning along with Mrs. Bhag Mehta but our car met with a serious accident in the way and we had to return. Luckily no one was injured. According to the latest figures available, 2000 persons (all converts) have still to be evacuated from Gujranwala district. The District Liaison Officer has sent me a list of 185 abducted women and girls to be recovered, out of whom 3 are stated to be with police officials and 9 with known *badmashes* or influential persons in the district. The progress of recovery work is very slow as in other districts.

As regards the district of Lahore over 2000 persons have still to be evacuated from the pockets. One District Liaison Officer is still working in the Chunian and Kasur tehsils and one in Lahore tehsil. The number of abducted women and girls to be recovered is about 1200. A large number of women and girls have been brought into Lahore from other districts as there are less chances of their being recovered from his place. We have no lists of these women and girls but we get clues of them when our workers pursue known cases. There are 16 cases in which inspite of definite clues the girls have still not been recovered. There is another list of 17 cases in which details are available but no recoveries are being made. These lists have now been handed over to our own police and it is hoped that at least some of the known cases will be recovered.

3. The pictures that now emerges as a result of the tour of the open' districts in the West Punjab is as follows:

Name of District	No. of persons to be evacuated (approximate)	No. of abducted women and girls to be recovered	Remarks
1	2	3	4
1. Dera Ghazi Khan	30 (almost all converts)	29	Lists of 23 exists but no clues are available.
2. Muzaffargarh	398 (converts 328(non-converts 70)	96	46 women and girls with known <i>badmashes</i> or influential persons.

3. Multan	1200 (converted 1100 (non converted 100)	600	22 women and girls with known <i>badmashes</i> or influential per- sons. Clues of 150 available.
4. Montgomery	5000 (almost all converts)5000 <i>bazigars</i>	300	13 women and girls with known <i>badmashes</i> or influential per- sons. clues of 150 available.
5. Sheikhpura	1900 (all converts 1300 <i>bazigars</i>	100	15 women and girls with known <i>badma- shes</i> or influential persons. Clues of 60 available.
6. Sargodha.	300 (all converts)	100	70 women and girls with known <i>badmashes</i> or influential per- sons, 23 with Pathans.
7. Mianwali	900 list of 566 is available	322	Thana wise lists with clues available.
8. Lyallpur	10000 (all con- verts) mostly bazi- gars, about 5000 to go in a foot convoy with about 1000 cam- els,goats and sheep).	400	12 women and girls with known <i>badmashes</i> or influential per- sons. Clues of 60 available.
9. Jhang	1623 (all converts including 660 <i>bazigars</i>)	112	10 with known <i>badmashes</i> or influential persons. Clues of 28 available.
10. Gujranwala	2000 (all con- verts)	185	3 with police officials. 9 with known <i>badmashes</i> or influential persons. Clues of rest available.
11. Lahore	2000 (all converts)	1200	Clues of 33 available
Total	25351	3434	

The above figures are definitely on the low side. Actual number of persons to be cleared out of pockets and the women and children to be recovered is bound to be more as fresh clues become available with the recovery of each woman or girl. Similarly a large number of people who have now refused to get out of West Punjab are likely to apply for evacuation when they find a number of people converted like themselves going away. The above figures must, therefore, be taken as only approximate. I am inclined to add at least 20% to the number of persons to be evacuated from pockets and 15% to the number of women and girls to be recovered.

As regards closed districts the estimated figures are given below:-

12. Gujrat	20000	5000
13. Jhelum	300	100
14. Rawalpindi	1000	195
15. Sialkot	25000	2200
16. Campbellpur	500	500
	<hr/>	<hr/>
Total	46800	7995
	<hr/>	<hr/>

It is not possible to verify these figures but they represent the reports given by the different District Liaison Officers at the time the districts were declared as closed.* They are very rough estimates.

No. of parsons to be evacuated (approximate)	No. of abducted women and girls to be recovered,
Grand total 72151	11439

Women workers.

Two women workers each are posted at Sheikhpura, Sargodha, Mianwali, Jhang, Lyallpur and Gujranwala. A third women worker was taken by Mrs. Bhag Mehta when we went to Mianwali. She is for recovery work in Bhakkar Tehsil. As will be observed from what has been stated above, very little work is being done in connection with the recovery of abducted women and girls throughout the West Punjab. These women workers along with their transport are, therefore, being practically wasted.

The matter was discussed today in a meeting of the Steering Committee in which Mr. Punjabi, Mrs. Bhag Metha and D. Surendra Nath, D.S.P. East Punjab were present. It was admitted that the women workers were at present unable to do any useful work but it was decided to let them continue as it was hoped that things will improve with the additional East Punjab Police starting their activities in the districts. It was considered that a lot of touring will be necessary to stimulate the work.

4. It is understood that there has been an inter- Dominion agreement that the M.E.O.s will continue to function in the East and the West Punjab till the end of May, 1948. This is satisfactory as it will give the East Punjab Police a chance to do some work. I am providing them with lists of abducted women and girls to be recovered from each district and I have directed the District Liaison Officers to look after the members of the East Punjab Police Staff posted in each district. I have told them that although it is for the West Punjab Government to provide facilities for accommodation and feeding but the District Liaison Officers must see that till satisfactory arrangements are made, the East Punjab Police are not put to any inconvenience or trouble.

5. The general feeling amongst the Muslims in the West Punjab is against the recovery of women and children who are with Muslims. Police officers in various districts have openly declared that it is their duty to see that proper regard is paid to the public opinion. In spite of inter- Dominion decisions the statements of recovered women and girls are being recorded by Magistrates and in many cases the recovered women are returned to their abductors by the district magistrates. All such cases are being referred by me to Mr. Punjabi who is taking them up with the Pakistan Government. I have warned our Police about this feeling and also written to you separately about it (demi-official letter No. 2167/CLO dated the 26th April, 1948).

The latest comparative statement for the month of April 1948, shows that from 1st April, 1948 to 27th April, 1948, 1063 Muslim women and 571 children (total 1634) were recovered from the East Punjab against 210 non-Muslim women and 161 children (total 371) handed over to us after recovery. The total recovery from 6th December 1947 to 27th April, 1948 is 3912 non-Muslims and 7495 Muslims. The non muslim figures include about 1000 women and children belonging to the Jammu and Kashmir State who were sent to us from Kunjah Camp. As pointed out previously, unless we show to the West Punjab authorities that we are dissatisfied with the result of recovery work in the West Punjab things are not going to improve.

6. Now that the time at our disposal is short I think it is desirable that concerted action should be taken by the District Liaison Officers and the East Punjab Police to recover as many abducted women and girls as possible and to clear the pockets as early as possible. The number of trucks at the disposal of the M.E.O. are being reduced considerably and in the meeting of the Steering Committee held this morning, I was asked to provide if possible civil trucks for evacuating persons collected at the D.A.V. College Camp from pockets from Lahore to Amritsar and for the transport of recovered women and girls from Lahore to Jullundur. I was told that if I was unable to do so the number of M.E.O. trucks functioning in the districts will have to be considerably reduced. I have undertaken to place at the disposal of the M.E.O. as many trucks as possible. I talked about this matter to the Provincial Transport Controller on the telephone. He has agreed that trucks that can be spared may be utilized for this purpose. I shall be obliged if this is confirmed. I hope to be able to give about 10 trucks a day to clear the refugees collected at the D.A.V. College Camp. Three trucks a week are likely to be needed for the transport of recovered women and children from

Lahore to Jullundur. The M.E.O. (I) will continue to provide the necessary escort in all cases.

Yours sincerely,
Sd/-
Chief Liaison Officer

Shri M.R. Sachdev, CIE, OBE, ICS,
Chief Secretary to Government East Punjab, Simla-E.

- * Owing to the outbreak of hostilities in the Jammu and Kashmir state the West Punjab Government banned the entry of Indian Officials in those districts which were adjoining the territory of the state. Hence those were close districts.

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A Note by Chief of Liaison officer (India) Relating to Lyallpur District.

P.B.R. F.246-ER-48-pages 1-3

Inspector Shri Parkash Chand Sawhney and Shrimati Sarla Devi have come from Lyallpur. They have brought 7 recovered abducted women and 23 converts in a truck. About 120 refugees are awaiting evacuation at the Lyallpur Camp. Out of these a number of persons are wanted for evidence in a criminal case and another number of persons were subjected to beating and looting and a case has been registered - they will also be required for evidence purposes. About 60 can therefore be evacuated at once. Shri K.L. Bindra, D.L.O., has reached Lyallpur by now and he will see that as many refugees as can be evacuated are brought to Lahore immediately.

Shri Parkash Chand Sawhney says that about 20 to 25 converts mostly Mazhbi Sikhs are trickling down to the Camp every day making their own arrangements for transports i.e. bringing their luggage on donkeys or coming through rail. He considers that there are about fifteen to twenty thousand more converts to be evacuated from the district. Two instances that occurred recently have been reported, in one case some persons coming towards the Camp were beaten and looted near Railway Station Janiwala (Teh. Lyallpur), the case has been registered at Lyallpur. The second incident took place in Chak No. 316. A number of *Bazigars* who were coming from this Chak were attacked by the Muslims in two groups. The *Bazigars* were looted but there were no casualties amongst them; on the other hand the two groups fought amongst themselves and there were two casualties. A criminal case is also proceeding regarding this.

The rains in Lyallpur District have been exceptionally heavy this year. There are no arrangements for shelter of refugees. The accommodation placed at the disposal of the various agencies of the Indian Union working at Lyallpur is very small. The result is that the refugees have had to be accommodated in the building and the Police and Lady Workers had to be put to considerable inconvenience because the D.L.O. was out of Lyallpur having

first proceeded on leave and then stayed at Lahore to get the question of his programme of visiting villages settled with Khan Sahib Mohd Yar Khan. Mr. Khan sent a letter yesterday (6.8.48) to the Deputy Commissioner of Lyallpur requesting him not to insist on the D.L.O. submitting a programme in advance and also requesting him to render every possible assistance to the D.L.O. in the discharge of his duties. Although the Deputy Commissioner has been approached to allow the use of another room in the building to our workers the room has not yet been placed at their disposal.

It has not yet been possible to attend to clearance of pockets in a concentrated form in Toba Tek Singh Sub Division and in Jaranwala Tehsil. At the same time owing to abnormal rains it has not been possible for our vehicles to reach a large number of villages from where converted persons are now reported to be willing to come out. It has been suggested that it would be a good thing if three Camps are established in the District of Lyallpur as a temporary measure, one at Toba Tek Singh, the second at Jaranwala and the third at Lyallpur itself. There are no arrangements for petrol at Toba Tek Singh and it will have to be sent from Lyallpur or Gojran. If there is no further rain it is likely that roads will become passable within a week's time. I can send two more D.L.O's to the district and establish temporary Camps at Toba Tek Singh and Jaranwala. I will shortly get in touch with the Deputy Commissioner and the D.L.O. on the subject.

During the last week four abducted women and four children were recovered. One of the women unfortunately escaped. This particular woman is reported to be the owner of 4.5 sq. of land and the village chowkidar is managing to keep her as he in this way gets the produce of her land. A list of 32 to 35 cases was sent to the Supdt. Police Lyallpur. Mr. Razvi was also approached and he picked out four cases out of the list and deputed a special Sub Inspector to follow the clues along with our own Inspector and the District Inspector of Lyallpur. Certain *Badmashes* were recommended for arrest by the District Inspector of Lyallpur but no orders have so far been passed by the Supdt. Police about the arrest. Other *Badmashes* who are similarly involved are watching the case and the result is that no progress in recovery work can be made. F.C. Mohd Ali is in possession of an abducted girl named Jiari. Pressure was put upon him to surrender the girl but he refused to do so and got himself invalided. The girl is still with him and although every possible effort has been made by our workers it has not so far been made possible to get hold of Mohd Ali. A large number of abducted girls are still being kept in Lyallpur district clues of about only 50 to 40 cases are available. With the present noncooperative attitude of the local authorities, it is very difficult to effect any recoveries.

7th August, 1948.

Sd/-
Chief Liaison Officer,
East Punjab Government Lahore.

**Incident in village Haranpur District Jhelum of the Railway Train from
Pind Dadan Khan to Amritsar**

*Ministry of Relief and Rehabilitation Facts Finding Branch, Government of India**

(1) Haranpur is a village with mixed population of Hindus, Sikhs and Muslims. It is a railway station on Malakwal-Kundian section of N.W. Railway.

Towards the end of August, 1947, the local Muslims, with the help of some outsiders, collected themselves into a mob of about four or five thousand strong and looted the property of the Hindus and Sikhs, both in their houses and in shops. The estimated loss is about rupees eight to ten lacs. There was no loss of life that day. The residents of Haranpur were evacuated under Military escort to a refugee camp in Pind Dadan Khan.

On 19/9/47, some five to six thousand refugees from Pind Dadan Khan Camp and other neighboring places boarded a refugee train bound for Amritsar. One Capt. Mohh Aslam Khan was incharge of the train with 15 to 20 Mohammadan and six Sikh soldiers. When the train reached Haranpur railway station at about 10 P.M. it was attacked by a Muslim mob about four to five thousand strong, armed with spears, daggers, bombs, guns and other deadly weapons. Bombs were thrown at the train near the outer signal. About eight hundred persons were killed and two hundred wounded in this mob attack. Young girls numbering about 70 to 75 were abducted. The train was ransacked and property in the shape of cash, ornaments, luggage etc., was looted. The six Sikh soldiers used their arms and controlled the situation. The train moved further and halted for the night at Malakwal railway Station.

On 20/9/47 at 6. p.m. the train reached Shahdara (near Lahore - across the river Ravi). Capt. Mohd Aslam Khan refused to move the train further. He had been putting the passengers to all sorts of troubles and inconveniences on the way. There was no proper food arrangement and even drinking water was not supplied. He demanded rupees one thousand at Shahdra in order to move the train further. The amount was collected and made over to him and the train left Shahadra railway station at 6 P.M.

On 21/9/47 at Moghalpura railway station a Muslim mob about 2500 strong armed with spears and guns, and other deadly weapons attacked the train. The injured persons of Haranpur were asked by the mob to come out. Some three hundred relatives and companions of the injured also came out with them. The father and mother of witness were among them. The mob fell upon the injured and their companions and only 29 persons out of the whole lot saved themselves by taking shelter behind some bushes and trees and by running for life.

After leaving Moghalpura, the train reached Harbanspura railway-station the same day, at about 4 P.M. Again a Muslim mob about four to five thousand strong armed with daggers, spears, *Kulharis*, guns and swords attacked the train. About 2500 passengers were killed. The Sikh soldiers opened fire and with great difficulty succeeded in moving the train. When the train ultimately reached Amritsar on 21/9/47 about one thousand refugees passengers came out alive. The remaining about four or five thousand had been killed on the way.

Sm. Sheela Devi aged about 14 or 15 and Sm Goman Wanti aged about 17 or 18 years, wives of L. Tarlok Chand and L. Rangi Ram respectively, both residents of Haranpur were among 70 or 75 women who had been abducted at Haranpur railway station. With the efforts of L. Avtar Narain, Pleader of Jhelum some abducted women were restored, Sm. Shila Devi and Sm. Goman Wanti were reported by the witness to be confined in village Chak saida-Zarin in district Sargodha (Police Station Miani).

Hukam Chand Hans,
Dist. Facts Finding Officer.

Attack on Train

A refugee train carrying passengers including 260 persons from Pind Dadan Khan, reached Kamoke railway station at about 12 noon on 24.3.1947. Col. Bodough escorted the train up to Lalamusa and then made over the charge of 2nd Lieut.: Akhtar. Witness, Shri S.C.L. Jain was accompanying Imperial Chemical Industries, Khewra staff in this train. A train carrying personnel of Pakistan army happened to arrive at Komoke at about the same time. On seeing that a Hindu Refugee train was at Kamoke, they opened fire on the passengers. The male non-Muslims refugees were killed. About 50 young women were forcibly carried away by the Pakistan Military to their train. This attack went on upto 6 p.m. The witness also got a bullet wound. Wife and four children of the witness were abducted, but they were rescued next day at Gujranwala. The witness had to pay rupees one thousand as ransom money for the release of his wife, to the Muslims.

Syed Dildar Hussain Shah, Sub-Inspector of Police and 2nd Lieut. Akhtar were responsible for this attack.

The witness has given a list of about forty persons who were abducted in this attack.

Sd/- Chaman Lal Pandhi,
FACTS FINDING OFFICER.

- * In 1948 when Pakistan representative in the Security Council (U.N.O.) charged the Indian Government of genocide of Muslims in East Punjab a Fact-finding Branch was established in the Ministry of Rehabilitation, New Delhi. It collected statements of the refugees from West Pakistan to show how non-Muslim refugees were subjected to cruel treatment in Pakistan. The records collected by Fact-finding Branch are now being transferred to National Archives of India. A few statements as specimens are included here.

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Killing, Arson and Loot in Rawalpindi City

*Ministry of Relief and Rehabilitation, Facts Finding Branch
Government of India*

Rawalpindi is one of the most important towns in the West Punjab. The district had

an area of 2010 square miles. It is one of the five districts of the Rawalpindi division and comprises of Eastern half of the rough plain country which lies between the Jhelum and the Indus and underneath the hills of Hazara, along with a mountainous portion in the North East Corner. The Eastern Boundary is the river Jhelum, across which lie Chibbal and Poonch, portions of Kashmir State. On the North Abbottabad and Haripur, tehsils of the Hazara district on the West the Attock and Fateh-jang tehsils of Attock District and on the Chakwal and Jhelum tehsil of the Jhelum district, bound the district Rawalpindi.

The large Military Cantonment is situated at a distance of 2.5 miles from the town. The Cantonment is one of the biggest in Pakistan. It was the Headquarters of the Western Command before the partition. The town is also a very flourishing trade centre.

It is the Headquarters of the tehsil, the district and the division. It is an important Railway Station (Junction) on the main line of North-Western Railway. It is situated at a distance of 180 miles from Lahore, 457 miles from Delhi and 108 miles from Peshawar. It had a total population of 185042 including 104004 non-Muslims. The city was surrounded by Muslim villages on all sides. The Muslims constituted 80% of the total population in the district.

Ever since its defeat in the last general elections in February, 1946, the League Party indulged in propaganda of hate and revenge against the non-Muslims. The League leaders proclaimed that the Unionist Ministry owed their success to the non-Muslim support. Since the formation of the Interim-Government in September, 1946, a vigorous propaganda drive was set on foot against the non-Muslims, in the district. During the months of January and February 1947, the Provincial Muslim League started agitation against the Coalition Ministry of Sir Khizar Hayat Khan Tiwana. In the first week of March 47 Sir Khizar Hyat Khan resigned. This resignation of the Khizar Ministry greatly encouraged the Muslim League and they ruthlessly intensified their agitation against the non-Muslims.

On the 6th of March, 1947, some Muslim League leaders went to the rural area. Meetings were held there and false information was given that Jumma Masjid, Rawalpindi had been razed to the ground by the non-Muslims and that streets and roads of Rawalpindi were littered with the dead bodies of Muslims. The Muslims were incited to avenge Islam. As a result of this false information, thousands of non-Muslims were killed in the district. In some cases small children were thrown into the burning oil. There were many other cases in which men, women and children refused to embrace Islam. They were made to stand together and were then burnt alive. In one case, a woman who had a four months baby in her arms, threw the baby out of the wing of the fire in order to save the baby from burning; but the followers of the Islam pierced the baby with spears and threw the baby back into the burning fire. The Muslim Military Service men, who were on leave, the Muslim Police and Civil officials actively helped the mob.

On the same day, a big Muslim mob of about ten thousands including notorious *Badmashes* from Gojra village collected in the city. The District Magistrate, Mr. C.L.Coates and the Additional District Magistrate, Mr. Mohd. Shafi were duly warned but they took no heed of the warning and refused to promulgate Section 144 Cr.P.C.

The trouble started on the morning of the 7th March, 1947 in the area close to Jumma Masjid, Many buildings were set on fire with petrol and kerosin oil.

The Muslim mob was divided into different groups by the League leaders. Each group was directed to attack a different locality. The mob preceded to their allotted targets with

instructions to kill, loot and set fire to the non-Muslims property. A part of the mob consisting of about one thousand Muslims attacked Amarpura Abadi at about 9 A.M., on the 7th March 1947. The mob was armed with deadly weapons such as rifles, shotguns, revolvers, hand-grenades, country made bombs, etc. The mob entered the Mohalla, raising the slogans "Allah-Ho-Akbar", Pakistan Ley key Rahen Gey" and "In Hindu Aur Sikh Moozion Ko Mar Do". (God is great, We shall get Pakistan kill the wretched Hindus and Sikhs). On seeing this mob the non-Muslims got frightened and began to run to their houses leaving their shops. About 65 non-Muslims were killed by the mob. Gurdwara Bhai Piara Singh was also attacked. It was looted and set on fire. An old man who could not escape was caught hold by the mob and he was thrown into the burning fire along with 12 others including a few children. All the 13 were burnt alive. The building of Mistri Baldev Singh and Quarters of Bhai Piara Singh were also looted and burnt. The house of Shri Babu Ram was also raided and set on fire. He, his wife and his mother were seriously injured. The Muslim Police and Civil Officials did not take any step to help the non-Muslims. On the other hand they actually helped the mob. This killing, loot and arson continued for 3 days.

On or about the 7th March, 1947, the President of the Cantonment Muslim League invited 11 prominent Hindus and Sikhs who were previously asked to join the Leaguers as members of the Peace Committee, to devise ways and means to promote communal harmony so that there should not be any trouble in the Cantonment. This meeting was held at the house of the Muslim League President. His house was a little away from the rest of the Abadi. No sooner had the members of the Peace Committee assembled there, than the Muslims started collecting as if by previous arrangement. 7 out of 11 non-Muslims members of the Peace Committee were killed by the Muslims. The President of the Muslim League took active part in their murder. 2 others were assaulted and injured. They were left as supposed to be dead. Later on they managed to escape and were admitted into the hospital. The Police refused to record their statements. A report was lodged to Mr. Scott, D.I.G., Police. In spite of the fact that there was direct evidence, the Police was putting all sorts of obstacles for sending the accused for trial. All efforts were made to see that the investigation remained incomplete and that the trials were not finished before the actual transfer of power.

After these disturbances, there was no incident for about 5 months in the city. No incident took place even on the 3rd of June 1947, when the division of the country was announced.

In the month of August, 1947, the non-Muslims started leaving the district apprehending serious trouble on the 15th of August 1947. Mr. Haq took over charge as Deputy-Commissioner, Rawalpindi from Mr. Goates on the 12th August, 1947. He tried to his best to dissuade the members of the minority community from leaving Rawalpindi saying that there was no likelihood of any further trouble. This restored confidence to some extent.

On the 14th August, 1947, all the Muslims who had been arrested for committing serious offences in March, 1947, were released on bail. This was in redemption of the previous pledges given by Muslim Leaguers to the criminal elements to the effect that all those persons accused of offences against non-Muslim would be released. A Mohammadan Lawyer even remarked that these persons were responsible for the achievement of the Pakistan. With in the Mohanpura 12 non-Muslims were killed.

On the sacred day of Idul-fitter, just after the Id prayers about 20 non-Muslims were attacked and done to death by a Muslim mob. Several shops belonging to non-Muslims were

also looted.

After a few days, the Gurdwara, in the Raja Bazar was mobbed and 25 men and 15 women were butchered, into pieces in the Gurdwara.

On or about the 18th August 1947, Muslim refugees came from Amritsar and they let loose a campaign of terror. They began to snatch luggage and other household articles from the non-Muslims. They also started taking forcible possession of their houses. S. Kahn Singh, Manager, Punjab Sind Bank, was assaulted and deprived of jewellery. The peon of the Punjab and Kashmir Bank was murdered in broad-day light but no body was arrested. The Muslim League National Guards started harrasing and prosecuting the minority community. Many complaints were lodged against them but the police took no action.

Three hundred and fifty non-Muslims, residents of Kashmir State living in Rawalpindi requested the local authorities for their safe evacuation. A convoy was arranged for them on 9/9/47. They were thoroughly searched at the Railway Station under the supervision of Mr. Ross, Magistrate Ist Class. The convoy started at 9 A.M. from the Railway Station but it was detained at the Octroi Post No. 9 on the Mureee-Kohala road on the pretext of searching. It was detained there for about 7 hours and was allowed to proceed at 4 P.M. It was being escorted by Mohammadan Military and Police. The convoy had hardly gone for about 8 miles, when the Muslim escort went away leaving the convoy. For full two hours the convoy was attacked by a big Muslim mob armed with swords, hatchets, spears etc. About 315 non-Muslims were killed. All their belongings were looted. A report was lodged and the Deputy Commissioner came to the spot on the next day but no one was arrested. 2 non-Muslims who gave statements regarding the complicity of Police in above killing and loot, were liquidated.

On 11th September, 1947, a refugee train left Rawalpindi for Amritsar. The Muslim driver stopped it on the way several times. He was forced by the Sikh Military escorting the train to drive it. At Lahore Railway Station, the Baluch Military threw bombs on the train but luckily no body was injured.

On the 14th September, 1947, a few Muslims including Aziz Khan, and Sharif Khan brought a jeep car to the house of Mr. Harbans Lal. Previously Harbans Lal had arranged an air passage through them on the payment of Rs. 200/. Harbans Lal accompanied by Ram Gopal, Tarlok Chand and another Harbans Lal started with them to the aerodrome. They were taken towards a deserted place and were deprived of their cash, jewellery and other belongings. Harbans Lal, Ram Gopal and the second Harbans Lal were killed but Tarlok Chand escaped. A report was lodged with the Police but no action was taken. On the same day a Muslim mob of about two thousands armed with shotguns, axes, *dangs*, etc. attacked Mohalla Kishan Pura and many non-Muslims were killed. The raiders set fire to four houses which were completely gutted. The non-Muslims resisted the attack and succeeded in killing 5 raiders.

On 16th September, 1947, some refugees left Rawalpindi. The Brake Van containing the luggage of the non-Muslims passengers was cut off by the Railway authorities five minutes before the departure of the train. The luggage has not so far been returned.

On 18th September, 1947, a refugee train left Rawalpindi. The non-Muslims refugees were thoroughly searched at Railway Station and were deprived of almost all their belongings. On 20th September non-Muslims left Rawalpindi by trucks. Their trucks were stopped at various places by Muslims but by good-luck passengers succeeded in reaching

Baramula in Kashmir State.

On the 22nd September, 1947, a Muslim mob of about 10 thousands armed with rifles, shotguns, swords etc. attacked Mohalla Mohanpura. All the houses and shops belonging to the non-Muslims were looted, and about 300 non-Muslims including Natha Singh, Jagat Ram Chadda, Bhagat Ram Kohli and Ujagar Mal with his family were butchered.

On 23rd September, 1947, a Muslim mob armed with deadly weapons attacked Gwalmandi. The non-Muslims were beaten and forcibly turned out of their houses. Shri Maya Devi was beaten. Her clothes were torn and she was made absolutely naked. She was dragged out of her house and then thrown into the street. The non-Muslims were not allowed to take anything with them from their houses. On the same day another Muslim mob armed with deadly weapons attacked Mohalla Talwaran. All the houses belonging to the non-Muslims were looted. The Muslim Police fired shots in order to frighten the non-Muslims so that they may not resist the looters. The Muslim Sub-Inspector of Police was present at the time of looting.

On 24th September, 1947, a refugee train left Rawalpindi. The Muslim Leaguers closed all the water-taps at the Railway Station. The Station Master was requested to open the taps which he did. When the train arrived at Jhelum, the refugees were not allowed to take any water from the tap. The Deputy Commissioner came to the Railway Station and got the taps opened. The train was stopped outside Wazirabad Railway Station. and was fired at by the Muslim mob but luckily no body was hit. The train was brought back to Wazirabad and was taken into the Railway yard. A Muslim mob armed with Tommy-guns, with the help of Muslim Police, opened fire, at the train, from the Morchas at 8.30 P.M. as a result of this firing 36 passengers were killed and 300 wounded. The firing continued throughout the night. A special Military train arrived from Lahore side at 10 A.M. The non-Muslims requested the Military for water and the taps were opened but meanwhile two men and 5 children had died on account of thirst. At Gujranwala Railway Station, this train was looted by the Baluch Military.

During the month of September, 1947, 2 Muslim soldiers went to the house of L. Ganesh Dass. They packed all his luggage and placed it in a cart. They bolted the door of the house from outside and tried to take away the luggage. By chance the Police arrived. One of the soldiers was arrested while the other made good his escape. L. Ganesh Dass was taken to the Police Station and list of the articles was also prepared there. Ganesh Dass was asked to make an application in writing for their return but the articles were not returned to him and he was asked to stay at Rawalpindi till the decision of the case.

On 26/11/1947, some persons knocked at his door, Sensing some mischief, he went upstairs and inquired who the persons were. He was fired at and shot dead. A report was lodged at the Police Station. The Police came to the spot on the next day and turned out Sh. Shano Devi wife of Shri Ganesh Dass out of her house, but took no further action.

SUPPORTED BY THE EVIDENCE OF

1. Bhagat Lakhmi Narain, Advocate, Rawalpindi.
2. S. Hari Singh son of S. Gurbakhsh Singh, Motor Mechanic Rawalpindi.
3. S. Harnam Singh son of s. Sunder Singh of Rawalpindi.
4. Sant Jodh Singh son of Prem Singh Contractor, Rawalpindi.

5. L. Moti Ram son of L. Jot Mal shopkeeper, Rawalpindi.
6. Mrs. Vidya Jaswant Singh w/o Ex-Major Jaswant Singh.
7. L. Durga Dass son of L. Bhim Sain Hakim of Rawalpindi.
8. L. Lachman Dass son of L. Gurditta Mal, shopkeeper.
9. S. Mohan Singh son of S. Masadi Singh, Rawalpindi.
10. Amir Singh son of S. Nihal Singh, Orderly A.D.M. Rawalpindi and 54 other witnesses.

Gurbakhsh Singh,
Assistant Facts Finding Officer,
Ministry of Relief & Rehabilitation
Govt. Of India,
New Delhi.

SYNOPSIS

Killed	886*
injured	304
Desecration	2
Arson	117
Loot	General

- * The record of evidence of refugees or Liaison officers who dealt with them have been produced with a view to present contemporary and original records. However it is equally true that administration both in East and West Punjab especially P.N. Thaper I.C.S. Rehabilitation Commissioner East Punjab and Sir Francis Mudie India Governor of West Punjab were of the view that the statement of refugees in East and West Punjab who were affected by ghastly events were exaggerated Vide my Interview with Sir Francis Mudie - *appendix*

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Report of work in Cambellpore District

L.A.R. file L1X/6

Massacre of Convoy.

BEFORE my appointment took place an incident of high-handedness and butchery occurred. A convoy left Cambellpore for Wah under the protection of Pak Military. At a distance of ten miles from Cambellpore were hiding in the background a number of armed local Muslims who fired at the convoy. Exchange fire was shot. The attackers openly came out surrounded the trucks, killed Hindus and Sikhs by pulling them down from the trucks and ran ways with some girls - the Pak escort still firing at imaginary targets. The district authorities suppressed the event by reporting that some rioters had attacked the convoy and the escorting military killed 17 on the spot whereas non-Mulsim killed were only 6 and a

few lightly wounded. These statisticallies and suppression of facts coupled with the part played by the escorting party goes to prove a well-planned move support to which was contributed by civil as wall as military both.

ii. Another report was received from Chamutara P.S. where four Sikhs were killed as they with a few other Hindus had decided to stick to the last. A case was registered by the Police. The remaining persons were evacuated.

Raja Gzaanfar Ali's Mission.

This Refugee Minister of Pakistan led a one man crusade against the non-Muslim exodus. He went touring through the length and breadth of West Punjab, organized lectures, had parties to propagate. He had undertaken to approach the problem from all possible reaches. He contacted big landlords, League workers, and influential Muslims in the *illaqas*. He warned the masses that Hindus and Sikhs were gold sparrows who if once fly away will bring about tremendous loss in many ways to Pakistan. He sought discussion with our Liaison Officers, contacted representatives of various groups in the refugee camps and advised them to go back to their villages which and in the inhabitants of which would extend arms to welcome them.

Influenced by this propaganda organized by the Raja and Col. Rab. Nawab of 15th Punjab then stationed at Kahour, District Camebellpore a good number of refugees left Wah Camp for their respective homes. This was a little before I took over there. Out of these some managed to return by themselves others including inhabitants of Billomar and Chumtara approached me with request to pull them out. The Sikhs of Chumtara were over confident after the speeches and assurances given by the Raja until not before long when four of them were murdered in the broad day light in the bazar and the remaining were given shelter in the Police Station.

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Evacuation Report of Dera Ghazi Khan District

L.A.R. File No. LI X 19.

Dajal.

The raid on Dajal obliged me to take up its evacuation earlier then the scheduled times. The Border Military Police could not control the situation and there was considerable loss of life. Fifteen were injured and eight killed.

Rojhan.

I had heard strong news about the place. I was told by the authorities that non-Muslims living there did not want to evacuate, rather were willing to live there. The Deputy Commissioner, himself told me that the minorities were not willing to migrate and that I need

not tackle their evacuation. To ascertain the truth I rushed to the spot and had a talk with the gentry of the town. I found things quite different. People were, instead, quite willing to leave but under Indian Military as they doubted the bonafides of the Baluch Regiment in face of the disturbance at Dajal. In my opinion they were quite justified in their demand. My talks with the Muslim Chief warned me of that. Accordingly on one hand I asked the non-Muslim population to pretend their stay till the Indian forces arrived and on the other I advised the C.O. Baluch Regiment not to take up the evacuation of the place so early under the pretext that we had no arrangement for their reception in D.G. Khan. Having been assured of this I proceeded to Multan to receive petrol as it was refused at D.G. Khan by the Deputy Commissioner. It was in my absence that evacuation of Rojhan was taken up and the convoy was attacked. 10 along with the leader (a lawyer) died on the spot with military bullets, 40 were wounded, half a dozen girls were abducted who were then restored after three days. The statement of the abducted lady (Notani Bai) whose husband died while defending her confirms that it was a regular plot by the Baluch. The convoy stopped in the jungle for two hours at the night of attack while the mob, some of whom were B.M.P. men, was at a distance of one mile. The evacuation of the place postponed till the arrival of the Indian Military. I may add that here too it was the Deputy Commissioner who propagated that the minorities from Rojhan were unwilling to evacuate.

The whole unhappy matter was explained to the Excellency Lady Mountbatten and Miss Mridula Sara Bai who happened to visit D.G. Khan then. The doctor attending on the injured submitted his statement to Her Excellency. Having been annoyed by my statement before Her Excellency, the C.O. Baluch Regiment ordered me not to see him in future for any matter whatsoever. He was an English man, I had some difficulty with the authorities in sending wireless message for getting petrol for my vehicle etc. which I placed before Her Excellency in presence of the Deputy Commissioner, He too, was crossed and the gulf widened.

I shall try to say here that big Muslim Leaguers all were interested in the abduction of Hindu girls. Two girls (Prem Kumari and Sita Devi - 16 and 18 years respectively were recovered from the home of Nawabzada Mohmud Khan (son of Nawab Jamal Khan) the Leghari Chief). The abducted girls before being distributed or sold were detained in the farm of Akhwand Abdul Karim, President Muslim League in Sheru. The girls who were abducted from Sheru were captured from the gentleman's farm from his tenants.

Conversion.

All the converted men have been rescued. They had a very sad tale to tell. Even the old man of forty had to undergo the pain of conversion ceremony resulting in profuse bleeding, which is not allowed in the Quran after the age of 21.

One Mr. M.A. Khan Ferry Superintendent who initiated the attack on the village Churatte and was caught red handed, was released after detention for two months and joined his duties soon after. This is an encouragement which harassed the minorities to a greater extent. This too again is a breach of the agreed orders.

The refugees camp at Muzafargarh was attacked on the night between 24-29 November, Some six were injured and a lot of property was looted and some gold as well. The picket was taken by surprise. The site of the camp was consequently changed on account

of the influx of the Muslim refugees.

On account of irregular running of trains the Derawal refugees had a sad plight at Muzaffargarh. Some twenty thousand had to lie in the open exposed to cruel weather, under most unhygienic conditions. For a couple of days there were 6 deaths daily due to Pneumonia. After a few days the things improved as the train service became somewhat regular.

I am ashamed to point one shameless act of the Mahars Incharge of the Hindu School Camp. On the rainy night between 15-17th November the Military picket rushed into a room, dragged out the males, closed the doors and examined with torch light the faces of the girls sleeping there. All were mishandled and some four were selected for the rape. The matter was reported to Major Mittra who took serious action and enquiry was to be held.

Appreciation.

Officials: J.H. Butter, Esquire, D.C. Dera Ghazi Khan who was then transferred to Mianwali, and the Superintendent Police deserve special thanks for extending all cooperative every now and then. Mention must also be made of Deputy Superintendent Police Rajanpur, Mian Mohd Yusaf S.I. D.G. Khan who were responsible for maintaining peace and order in their *Illaqas*. The Deputy Commissioner in fact believed in duty towards humanity and the Mian had to be stabbed by his community for his honest job towards the minorities, luckily he was saved.

Khawaja Nizam-ud-Din-Religious Chief of Taunsa is an angel on this earth. It was all his effort that 6000 Hindus in Taunsa hailed with sigh of relief during disturbance days. Not a single casualty was reported within the bounds of Taunsa proper. He had always been contacting me to ameliorate the worries of Hindus, and was more anxious than any body else. The Indian Government must make a note of this personality and express its appreciation.

The District Congress Committee, the Relief Committee and the Hindu Volunteer Corps deserve all thanks for their constant help to me. The volunteers have organized camps at Jullundur and Ambala. My Office establishment except peons was all honorary.

Sd/- Krishan Kumar.
District Liaison Officer,
Dera Ghazi Khan.

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Report of work in Gujranwala District

L.A.R. File No LI X 12

General Description.

Gujranwala is situated at a distance of 42 miles to the North of Lahore on the main

road leading to Peshawar. From here a road branches off to Sialkot which is situated at a distance of 30 miles from Gujranwala. This road leads to Jammu which is situated at a distance of 27 miles from Sialkot.

There are three tehsils in the Gujranwala district (i) Gujranwala, (ii) Wazirabad and (iii) Hafizabad. The population of Gujranwala was in the neighbourhood of 25,000 according to the census of 1941.

The Muslims were in a majority and were in the proportion of 3:1 although a large proportion of the districts immovable property was owned by non-Muslims. Business too was controlled by them. The chief industries of the district were utensils-making at Gujranwala, and knives-end-cutlery manufacturing at Nizamabad, a place situated near Wazirabad on the North Western Railway. The skilled labour was of course supplied by the Mohammadans. There were some Hindu Thathiars but the majority of the workers and the labourers were Muslims. There were a few hide and skin tanning concerns and they were controlled by the Muslims.

Riots begin

Before the partition, the Deputy Commissioner of the district was Rai Bahadur L. Sunder Dass Midhah, M.A., P.C.S. It is admitted even by the Muslims that he controlled the situation with a strong hand. The trouble had been brewing for a long time and the tension grew from day to day. To begin with the Muslim majority was very scared and they feared that the non-Muslim, particularly the Sikhs would attack. Panic amongst the Muslims was wide spread.

Early in May, 1947, one Pir Sahib of Alumar, District Sialkot was stabbed to death in the Bazar adjacent to the City Police Station Gujranwala. This Pir Sahib was the nephew of Pirzada Faiz-ul-Hassan from whose possession, later on, two Hindu girls were recovered. The mischief mongers spread the rumour that the Pir Sahib had been stabbed by a Sikh, although later investigations proved this to be incorrect. It was, later on, revealed that the deceased had illicit connections with a Muslim girl and the relative of the girl made use of the communal tension and under the cloak of communalism succeeded in killing the Pir Sahib and foisting the blame on the other community. The murderers of the Pir Sahib lit the flame of communal conflagration. There followed stabbings and counter stabbings. On the first day 9 non-Muslims were stabbed and thereafter the incidents increased every day.

Niranjan Das Bagga, a lawyer of Gujranwala, wrote a glorious chapter with his blood in the history of peace efforts made by the Congress men in India to stem the tide of communalism when he attained the crown of martyrdom on the 9th June, 1947, at Chowk Neain at Gujranwala. Niranjan Das is reported to have seen a crowd of Muslims advancing towards a Hindu street and having previously assisted and served the Muslims with indefatigable zeal and great sincerity, he thought that they would not lift their hands on him. He approached the crowd with a view to halt them and persuade them to disperse but his pleadings were not heeded. In cold blood he was stoned to death by the crowd and thus joined the ranks of India's illustrious sons like Mahatma Gandhi and Ganesh Shankar Vidyarthi.

The sacrifice of Niranjan Das Bagga went in vain and the relations between the two communities became more and more strained as the historic day of the 14th August, 1947, approached.

Rai Bahadur Sunder Das Midhah left the charge of the district on the 3rd August 1947.* This was a signal to the Muslim officers of the district who became openly hostile.

Gujranwala Tehsil-Nowshera Virkan Sub Tehsil.

In ordinary times before the revolution Naushera Virkan with the district Headquarters was particularly a notorious area. The road connecting Naushera Virkan with the District Headquarters, was particularly bad and the incidence of crime in this area were particularly high. Distillation of illicit liquor was the special feature of the area and always strong police officers were posted to this charge. At the time of the Revolution one Syed Asghar Ali was the S.H.O. of the Police Station and it is reported that he proclaimed with the beat and drum that the 'Kafirs' should accept Islam or be massacred. He collected the Muslims at a bridge of a canal and told them that they should kill and loot non-Muslims. In his evil intentions the S.H.O. was supported by a Police Inspector Ghulam Mohd Mahar.

In arousing the passions of the Muslims, Asghar Ali took the plea that a Jatha of the Sikhs had been marching his Illaqa and had indulged in killing and loot. It was stated by him that it was a mounted Jatha and had killed the Kashmiri Gadiwala of village Gumawala.

The declaration of Asghar Ali demoralized his non-Muslim subjects. They became anxious to join the Refugee Camps with a view to migrate to the East Punjab.

In the middle of September a convoy of 4500 persons started from Shorakoti and as it reached Junawali, about 6 miles from P.S. Naushera Virkan it was attacked by the followers of Asghar Ali. Very few persons survived. A few of the victims who survived later on arrived in the Gujranwala Camp in search of their relatives as guides.

They were examined by the Indian District Liaison Officer at Gujranwala who saw their scars and interrogated them. It was reported by them that at the time of the massacre Inspector Gulam Mohd Mahar was also present amongst the attackers. The guides were unsuccessful in tracing their relatives as all of them were reported killed.

The Sub Inspector Asghar Ali was also questioned by the D.L.O. and pleaded that he had fired in self defence as he said, the 'Lashkar' of the non-Muslims had started with the intentions of attacking the Muslims. The D.L.O. argued.

- a) Now could a party consisting of women children, and old folks start for an attack?
- b) If the intention of the Police Officers had been to disperse the so called *Lashkar* where was the fun of killing as many as 4,000 people.
- c) If the object of the Police Officers had been so innocent as to protect the lives of the Muslims, how was it that the National Guards and the Balochis also arrived at the scene instantaneously, considering that Naushahra Virkan is practically cut off from civilization and the road is not worthy of vehicular traffic. If the non-Muslim crowd had been an attacking *Lashkar* and not a runaway 'Kafila', how could the Police Officers obtain the rich booty which they did?

The D.L.O. rightly arrived at the conclusion that Asghar Ali and Gulam Mohd Mahar knew that their declarations had completely demoralized the non-Muslims and that they should take up positions to attack the fleeing Kafilas of the Hindus and the Sikhs who would be at their mercy at certain points.

In addition to the above massacres, the following villages were completely burnt, the resident killed and looted and the survivors converted to Islam, during the ten days following the 14th August 1947.

Mari Bhindran, Mangoke, Cholke, Lyallpur and Khan Mussalman etc.

The second Police Station which suffered as badly as the Naushera Virkan was Kamoke where Dildar Hussain Shah was the Station House Officer. The following villages were badly affected:-

Bhai Ke Tung, Tatla, Quila Rai Singh, Nikki Mari, Manaliwala, Mallah, Sant Pura, Chandali etc.

Kamoke Train Massacre.

However the greatest tragedy of this Police Station was the unforgettable massacre of what has since been called the Kamoke Train which carried refugees from Tehsil Pind Dadan Khan, District Jhelum, on the 24th September, 1947, towards the East Punjab. Most of these people were well-to-do persons and held high posts in various Government departments. Loot and the indiscriminate massacre of at least 3,000 male passengers was only a part of the tragedy. The most ignoble feature of the tragedy was the distribution of young girls amongst the members of the Police force, the National Guards and the local *goondas*. The S.H.O. Dildar Hussain collected the victims in an open space near Kamoke Railway station and gave a free hand to the mob. After the massacre was over, the girls were distributed like sweets.

Later on, as a result of the efforts of the Liaison Agency and the East Punjab Police some girls were recovered from Kamoke, Eminabad and some other surrounding villages. Many girls which were presented by Dildar Hussain to his relatives, friends and comrades are still missing. As almost all the male passengers were massacred, none was left to mourn the loss of hundreds of girls who will for ever remain prisoners of the *goondas*, unearthed and unknown. A list of at least 70 untraced girls abducted from the Kamoke train was handed over to the Police by the D.L.O.. It is feared that most of these girls had been sold and taken underground.

Wazirabad Tehsil.

The *goondas* of Nizamabad mentioned above, famous for cutlery and the knife industry were conspicuous in the whole district and operated as far as Komoke and the Naushera Virkan Railway Station. In fact they were invited by the local residents. At Wazirabad Guru Kotha was burnt with all its inmates, the number being estimated at 500.

A train attack was also organized and about 300 people coming from Sialkot were killed.

Hafizabad Tehsil.

Here a Sikh Naib Tehsildar was fired at and hurt.

*Liaison Agency at work.
Evacuation.*

In the beginning, the evacuation was in full swing. The people begged for seats in the trains and the trucks and wanted to get out as quickly as possible. The general evacuation was completed. Thereafter the task became more difficult. A stage came when the Muslim began to obstruct the evacuation of the non-Muslims who had by now become converted to Islam.

After some time, however, yet another change in the attitude of the public and the authorities was noted. They became anxious to get rid of the land-holders so that they could divide their land, amongst the Muslim refugees. At the same time, they became averse to the migration of *Kamins* and the Harijan non-Muslims for they could be useful slaves of the community. These people, on the other hand, found life gradually becoming intolerable. Cases were known in which the Harijans who had embraced Islam only to save their skin did not like and consequently exhibited a desire to migrate to the East Punjab. Most of them had embraced Islam as a matter of expediency, to save their skins and property in the hope that some day the Hindus should come back to Pakistan and the old order would be established.

On the whole area every people genuinely want to come out to the East. Almost all the villages have been visited and revisited by the Indian Liaison Officers and almost every individual family has been approached.

Recovery.

The task of recovery was impeded by the malicious propaganda of the abductors. The women were told that

- i) They will be murdered by their own people, because they had been living with the Muslims.
- ii) All their relatives had been killed and therefore, where could they go?
- iii) There was famine in India where wheat was sold at Rs.60/- a maund and water was sold at Rs.8/- a tin.
- iv) They would be handed over to the Sikhs to be raped and killed.

The girls were not allowed to contact other people, Liaison Officers and recovery staff, outside the homes of the abductors and therefore there was no opportunity to remove their fears and they fall easy victims of the malicious propaganda of their abductors. Some of the girls genuinely felt that their men had run away having left them at the mercy of the Muslims and therefore they had no faith in their Hindu men folk.

Some of them genuinely believed that their husbands and parents did not care for them and had altogether written them off their records.

A girl said to the D.L.O. "How can I believe that your Military strength of two sepoys could safely take me across to India when a hundred sepoys had failed to protect us and our people who were massacred?" Another said. "I have lost my husband and have now gone in for another. You want me to go to India where I have got no body and of course you do

not expect me to change husbands every day." A third said, "But why are you particular to take me to India? What is left in me now - religion or chastity."

Tragedy cannot go beyond this.

Property.

The property of the non-Muslims was looted by men in all walks of life and officers of all designations. Only about a dozen non-Muslims were able to recover some of their property.

About 50 safe deposits were operated.

In many cases the Deputy Custodian ordered the sale of the household effects when permits obtained from Lahore were presented to him for permission to recover the property. The cases of S. Labh Singh Barrister and Goverdhan Das Madhok are concrete examples. When S. Labh Singh Barrister presented his permit which he had obtained from the Custodian at Lahore for books and fans, the Deputy Custodian struck off law books and electric fans, and the fate of the Madhok's was no better.

- * Rai Bahadur Sunder Dass Midhah remained Deputy Commissioner of Gujranwala till 3rd August 1947. During his stay except for sporadic attacks there was no major clash. He handled the situation tactfully. On his transfer Pir Mubarak Ali Shah took over the charge"

Fact Finding Branch, Ministry of Relief and Rehabilitation New Delhi
Fact Finding Officer, Chaman Lal Pandhi

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Report of Work in Gujrat District

L.A.R. File No LIX/9

The district has natural boundaries and lies between the rivers Chenab and Jhelum. There is a net work of canals in the district irrigating the land and most of the district is canal irrigated. It is a predominantly agricultural district where lands are fertile and crops good.

According to the census of 1941, the population of Gujrat was 11,04,952. Out of this the Muslim population was 9,50,776, Hindus 4621 and Sikhs 70223 and Scheduled Castes 80,222 which means that only 14 percent of the population was non-Muslim. Most of the agricultural land belongs to a few big Muslim Zamindars but the Hindus and Sikhs were also owners of land in addition most of them owned immovable property in the urban areas consisting of houses and buildings worth of crores.

Gujrat Tehsil.

On the 18th August, 1947, false and wild rumours were set afloat that the Sikhs were going to attack the Muslims whereupon Muslim Goondas took the law into their own hands

and with the help of the Muslim gangsters of the neighbouring villages made a concerted attack on the peaceful and anxious non-Muslim citizens of Gujrat.

Most of the buildings situated on the Railway Road were burnt down and property looted. The depot of the Delhi Cloth Mills situated on the Railway Road containing cloth worth about Rs. 50,000,00 was looted and the building was burnt. About 50 non-Muslims were killed in the city. Amongst those killed were the Manager of the New Bank of India and Bawa Narinder Singh, of Gujrat. Similarly in Jalalpur Jattan also many non-Muslims were done to death and many embraced Islam out of fear of life. In the village Begowal also a similar situation arose. In this tehsil most of the Hindus had to embrace Islam to save their lives and their children were circumcised. Some of the Hindus took refuge in the Kunjah Camp but it is reported that about 700 persons who were in that camp were deprived of their belongings and valuables. Adequate rations were not given to them and some of them died of starvation

Tehsil Kharian.

In this Tehsil also some people were murdered and others were forcibly converted. The detachments of Muslim Military who were sent out to evacuate non-Muslims used to terrify those persons who showed a desire to go to India with the result that most of the non-Muslims accepted Islam out of fear. A camp was established at Lalamusa but most of the non-Muslims who proceeded to Lalamusa were waylaid and deprived of their belongings.

Tehsil Phalia.

When the disturbances broke out the non-Muslims found themselves in helpless condition. The big Muslim Zamindars yielded a great influence upon the non-Muslim shopkeepers and traders. As the transport difficulties were enormous and relief could not be sent to the non-Muslims in this tehsil, the non-Muslims were faced to tragic prospect of murder and abduction and most of them though it was advisable to accept Islam and thus to save themselves from butchery and preserve the honour of their women folk. Massacres took place in the village of Jokalian, Mandi Bahaudin and Dinga and those who were saved accepted Islam. The Harijans accepted Islam more readily than the non-Muslims.

Camps.

Camps for the refugees were opened at the Sanatan Dharam School, Gujrat, Lalamusa, Mandi Bahaudin, Dinga, and Kunjah but as stated above, the transport difficulties stood in the way of many people making use of these camps.

Liaison Agency.

Although the Liaison Agency started functioning in the 1st week of September, no suitable person could be found as a Liaison Officer. The situation was very dangerous and the Pakistan Military who had been deputed to do evacuation work in Gujrat were notorious

for their inhuman atrocities. At last Mr. Inder Dutt Vij was picked up from the Refugee Camp and sent as a Liaison Officer to Gujrat on the 16th October, 1947.

When the D.L.O. reached Gujrat there were 7,000 refugees in the Gujrat Camp. The conditions in the camp were unbearable. There were no arrangements for sanitation and the 7,000 refugees were huddled together in a small area which was hardly sufficient for 700. The Muslim League had decided to socially boycott the non-Muslims and therefore even the bare necessities of life were not being supplied to them. Not even on payment. The result was that the people were starving and the children suffered for want of milk and other things. Soon after two trains were arranged for the clearance of the camp. On the 20th October, 1947, the D.C., the S.P. and the President of the Muslim League accompanied by other influential Muslim Leaguers visited the camp and requested the non-Muslim refugees to give up the idea of evacuation and assured them of full protection and security. Peoples' faith in the word of authority had been shaken and no body accepted their word. On the 21st October, the whole camp was cleared and the two trains full of refugees were despatched to Lahore.

Lalamusa Camp.

The conditions were worse. Well-to-do non-Muslims were living in conditions of extreme misery and trifling. The D.L.O. Gujrat and Lala Avtar Narain D.L.O. Jhelum visited the camp on the 19th October, 1947, along with the president of the Gujrat Muslim League and found that the refugee were being subjected to ill-treatment by the Pakistan Military Guard. The local police had registered a large number of false complaints against well-to-do non-Muslims in order to harras them and to deprive them of their valuables. 4000 non-Muslims of the main camp had been segregated and were subjected to a thorough search by the local police. Even the women folk were not spared. One Sadagar Mal, a goldsmith was deprived of 35 seers of silver. 2 seer of gold and about Rs. 7,0000/- cash. The matter was reported to the D.C. who along with the D.S.P. visited the Camp on the 20th October, 1947. On the 21st October, the camp was cleared and refugees were entrained in the train waiting for them, at the Railway Station. The Pakistan Military saw to it that they did not take along with them their valuables and property. Even the D.L.O. was threatened by a *goonda* while attempting in saving a young girl from his clutches and luckily for him his personal guard came to his rescue. The matter was reported to the D.C. but no assistance was given and the property seized was not restored.

Camp Mandi Bahaudin.

This was the biggest non-Muslim refugees camp in the district. In the beginning there were nearly 50,000 persons in the camp. The refugees met no better fate at the hands of the Pakistan Military Guard. The conditions of sanitation and supply of water were unsatisfactory, with the result that cholera broke out in the camp and there were a large number of casualties. Later on the camp was handed over to the Indian Military and better conditions were restored. The camp was cleared on the 31st October, 1947, when the refugees were sent across by trains.

Incidents.

Dinga, on the 6th September, 1947, the non Muslims in Dinga were attacked by the local police and the Muslim National Guards. There was a considerable loss of life and property and it is reported that over 300 young girls were abducted. The estimate of the killed is 2,000. Arson was responsible for raising to the ground a large number of magnificent buildings of the non-Muslims, Sardar Gian Singh Overseer Drainage was killed and his family, relatives including his young wife were abducted.

Bhairawal.

Notorious Muslim League workers Manak Basal and Ch. Johan Khan M.L.A. were responsible for the atrocities committed on the non-Muslims in this village. About 2000 were killed and about 500 women and children and girls were abducted and converted.

Jokalian.

On the 27th October, 1947, the Pathan raiders attacked Bhimber and Mirpur in Kashmir State through Gujrat. On their way they killed about 2,000 non-Muslims and took away about 7,000 people as slaves. Out of the 7000 there were 5000 males and 2000 females. About a thousand persons were taken to the Jokalian Camp and the remaining 6000 were kept in the Ram Piari Palace at Gujrat. Manak Basan was in charge of the Jokalian Camp. Here males were eventually slaughtered in the presence of their women folk and the girls were threatened with death in case they did not yield to the raiders. Those who resisted were killed. Later on 500 of these unfortunate girls were transferred to the Kunjah Camp.

Malkowal.

About 30 non-Muslims were killed here and amongst those who were killed was the Manager of the Punjab and Kashmir Bank. When the C.L.O. arrived in Gujrat he wanted to open a transit camp at Gujrat and in this connection met the D.C. but the D.C. was unwilling to allow him to function in Gujrat because Gujrat was being used as a base by the raiders to attack the territory of Jammu and Kashmir. The D.C. suggested to the D.L.O. to establish a transit camp in the interior either at the Dinga or at Mandi Bahaudin so that the D.L.O. would remain away from the headquarters. This tug of war between the D.C. and the D.L.O. lasted for a month when an organized attack was made by the Pathans on the D.L.O. and his property was looted while on duty. Upon this the D.C. categorically asked the D.L.O. to quit the district as he said that he could not guarantee his safety.

Difficulties were also placed in his way to obtain petrol and for every single coupon the D.L.O. had to knock at the door of the petrol rationing authority. Wherever he remained he had to take the Pakistan Military with him who always hindered his progress. On the 3rd November, when the C.L.O. was also at Gujrat, the residence of the D.L.O. was attacked by the Pathans during day time. With the help of the S.P. the situation was controlled but the situation being dangerous, the C.L.O. decided to withdraw the D.L.O. from Gujarat as the D.L.O. was leaving Gujrat along with his party, about 300 armed Pathans attacked his

convoy and the party was deprived of all their belongings. The D.L.O. escaped being captured while some of the members of the party were captured and taken to the camp where they were made naked and mercilessly beaten. The D.L.O. approached the D.C. and the S.P. and both of them went to the camp and secured the release of the captives. On the 25th November, the D.L.O. eventually left Gujrat. It was not possible to operate in the district therefore. It is estimated that about 30,000 forcible converted persons are still to be found in the pockets. As no assistance could be given to them for evacuation their fate was sealed. Besides these numerous persons entered the district from Bhimber and Mirpur in the Jammu and Kashmir State. Most of the Harijans were also anxious to be evacuated but remained stranded as the Agency could not effectively operate in the district.

Officials in the district.

The D.C. was Khan Bahadur Abdul Samad who was never happy with the establishment of the Liaison Agency in the district. From the very beginning he discouraged the D.L.O. and did not want the agency office to be set up there as the district formed basis for the anti-Kashmir operations of the raiders and the Pakistan Military. Khan Sahib Zihad Ullah Khan was the S.P. who was a little more cooperative and tolerant but even he did not like the Liaison Office to function in Gujrat and for want of official cooperation, the Liaison office had eventually to be withdrawn from Gujrat under the circumstance narrated above.

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Report of Work in Jhelum District

L.A.R. File No. L VII/12/8B

The district consists of three tehsils Viz. Jhelum, Chakwal and Pind Dadan Khan. Population in pre-partition days was about 5 lakhs

Muslims	89%
Hindus	7%
Sikhs	4%

The non-Muslim population was mostly living in towns of Jhelum, Chakwal and Pind Dadan Khan. Some Hindus and Sikhs were also scattered in villages.

On 15th March, 1947, a mob collected at Dina village 5 to 10 thousand men fully armed with all sorts of weapons had collected there. Although efforts were made to persuade them to disperse yet about 3000 men went to the historic Gurdwaras (Choa Sahib) at Rohtas about 4 miles from Dina. The mob set fire to the building and but for the great pluck shown by the leaders, L. Avtar Narain Gujral who reached the place the inmates in the Gurdwara would have also been killed. Luckily they were saved. A major portion of the building was however reduced to ashes. On 12th March, 1947, village Dhudial, the richest *mandi* in the district, was looted and set on fire by a mob coming from Rawalpindi and Cambellpur

districts. The loss by loot was estimated to be about 1 Crores of rupees. The attack and loot were facilitated by the Military and Police who instead of firing at the actually withdrew.

The burning of Dhudial was a signal to the countryside that they were free to do whatever they liked. 28-villages were burnt and 289 persons murdered, about 80 girls and women were abducted and all houses looted.

In village Ghug, all the population (125) including women and children were burnt alive. In many villages children were snatched from their mothers and thrown in to the boiling oil, hundreds of women saved their honour by jumping into wells or throwing themselves into the burning houses. In some cases girls of eight years were raped and in some cases the breasts of girls were cut asunder. Similarly in Jhelum Tehsil one village (Khalsa Anandar) was totally burnt down.

This orgy of violence lasted for 15 days. It was after this time that Government began to assert itself and a large number of wrong doers were arrested. A special ordinance was promulgated declaring the district as a 'disturbed area'. Special Tribunals were set up for the trial of offenders, but the trials did not actually start till the end of July, The happenings of August changed the whole complexion and the entire lot of offenders was acquitted for want of evidence.

Jhelum Tehsil.

In the last week of August villages Rothas and Sanghoi suffered most. Practically all Hindus and Sikh population was put to death, only a few persons escaped. Three girls from Sanghoi and half dozen from Rothas were kidnapped. Sanghoi girls could not be recovered. 2 girls of Rothas were recovered. One was found murdered a month later. The Pir of Sanghoi was at the bottom of the whole trouble. He himself murdered a large number of persons in the *Ilaqa* but being a pillar of Muslim League no action was taken against him

Pind Dadan Khan Tehsil.

The total population of Nurpur village was put to the sword. Only 2 small children escaped. The whole property was looted. The village of Vahalee (the seat of the Famous Sikh Vahalee Chiefs) was razed to the ground, the entire population being burnt alive. Khewra and a few other villages suffered much loss in life and property. The non-Muslim population was collected at the headquarters of the tehsil and was evacuated by two special trains. Both proved to be most unfortunate. The first train which left on 17th September 1947 was attacked at Hampur, Moghalpura and Harbanspura. Only a few survivors reached Amritsar. The second train which left about a week later was attacked at Kamoke district Gujranwala and suffered heavy losses. Hundreds of girls were kidnapped from this train. Most of them are still untraced.

On 23rd September, 1947, 4 stabbings took place in the town of Jhelum. No notice was taken by the authorities. 5 stabbing cases occurred on the 24th September, and inspite of the fact that the attention of the Civil and Police authorities was drawn to the seriousness of the situation no action was taken. On the 25th September, 1947 came the climax. A huge mob collected in the town at about 4 P.M. and although Jhelum is a Military Cantonment Station nothing was done to disperse this mob. It attacked the area known as Govindpur. The

Military and the Police came to the spot and asked the non-Muslims to come out of their houses for safe escort to a place of safety. A few hundred were murdered on the spot. About 2 dozen girls and women were kidnapped. During the night there was a mass slaughter and about 700 people were put to the sword. This blood-bath was entirely due to lack of action on the part of the local authorities. On the 26th September, 1947, as a result of pressure brought upon the West Punjab Government by the Liaison Agency at Lahore, some of the local goondas were arrested. The result was immediate and after the 26th of September not a single incident of whole sale massacre occurred in the whole of the district. It is clear that some high officials of the district were directly responsible for the happenings in Jhelum from 23rd to 25th September, 1947.

All persons leaving Jhelum District by any type of transport e.g. train, truck or road were searched and people were deprived of their jewellery, fire arms and valuable clothes. No receipts were given. Those who left by train were not allowed to carry more than head-load of their belongings.

Two refugee trains were sent out of Jhelum proper. The first train left on the 5th October, 1947, The escorting of refugees from the town to the railway station and the loading of train was entrusted by the Deputy Commissioner to the Pakistan Army. They maltreated the people, insulted the ladies and looted the property and killed 2 women by beating. Huge quantities of luggage were left by the refugees. The second refugee train left on 12th November, 1947 There was accommodation hardly for 3000 refugees in this train, but the Deputy Commissioner ordered that all refugees who numbered 4200 must go by this train. The result was that most of them were forced to leave their luggage at the railway platform. This was taken over by the Deputy Commissioner. No inventories were made and inspite of representations not a single article was returned. At least 40 truck load of luggage was thus seized by the Deputy Commissioner.

Pathans began to pour in the Jhelum District during the month of November, 1947. They wee fully armed and made Jhelum as one of the bases for their activities in Kashmir State. They brought hundred of kidnapped girls from the State and took them out of the district. Some were even sold in the town of Jhelum.

Temples and gurdwaras in Jhelum and other towns where Hindus and Sikhs lived are being generally used by the refugees as residences. In some cases they are being used as store houses. Beaf shops have been opened in some of them. The Lajpat Rai Library where a large number of valuable books had been collected was first used for storing grains and on representation the grains were removed but books were all looted not a single one having been left.

In January, 1948, Pakistan authorities declared Jhelum to be one of the banned districts and Indian Military, the District Liaison Officer and his staff had to be withdrawn.

According to the information received most of the girls abducted from Jammu Kashmere State and some of the girls abducted from Gujranwala, Jhelum, Minanwali, Jhang and Dera Ghazi khan districts are being taken to the N.W.F.P. and from there to the tribal territory. At Mansera and some other places (N.W.F.P.) there are regular camps where Hindu girls are being sold.

Sd/- Chief Liaison Officer,
East Punjab Government (Camp), Delhi.

Report of work in Montgomery District

L.A.R. File No. LIX/2

General Description.

Towards the South of Montgomery district flows the river Sutlaj and beyond it lie the State of Bahawalpur and the district of Ferozepur. The Western boundary adjoins Multan District. On the East of Montgomery district lies the district of Lahore and on the North lies the river Ravi and beyond Ravi lie the district of Sheikhupura and Layallpur.

The district is divided into 4 tehsils for administrative purposes: Montgomery, Okara, Pakpattan and Dipalpur. The tehsils of Montgomery and Okara are irrigated by the Lower Bari Doab Canal and Pakpattan is irrigated by the Pakpattan Canal. Teshil Dipalpur and a part of the Pakpattan Tehsil are irrigated by the Upper Sohag Para and the Lower Sohag Para canals whose Headquarters are situated in Ganda Singh Wala under the East Punjab Government. These canals run for 6 months in the year.

The population of the non-Muslims in the district was 27 percent. The Hindus in the district were mostly traders and the majority of the Hindus lived in towns and market places like Montgomery, Okara, Pakpattan and Arifwala. In the tehsil of Pakpattan and Dipalpur a class of Hindus, called the Kambohe cultivated land also and in the tehsil of Montgomery and Pakpattan the Sikhs cultivated land in large number.

The non-Muslims owned 40 percent of the area under cultivation in the district and their contribution to the annual land revenue of the district was equal to that of the Muslims. The non-Muslims paid the larger share of the property taxes, the sales tax and the market committee taxes 90 percent of the Muslims in the district were cultivators of land or artisans in the villages. The beds of the rivers Ravi and the Sutlaj were overwhelmingly populated by Muslims and the Kharls, the Wattoos, Rajputs and the Irains predominated. These were the original tribes of the district known as the Janglie.

The Sikhs had mostly settled in the teshil of Montgomery and the Sub Tehsil of Arifwala, because they had been granted lands in these areas for service rendered by them during the first war.

The Harjans such as Balmikis, Mazabbi Sikhs, Chamars and Adharmis also had come from the East Punjab and had settled with the Sikh landlords as labourers and *kamins*.

As a result of these hard Sikh tribes and the tough Hindu traders, the jungles of Montgomery had been transformed into flourishing granaries during the last 40 years. The financial position of the Hindus and the Sikhs was definitely very stable and they were making rapid progress from year to year. While the Sikh landlord developed the deserts and the jungles of Montgomery and transformed them into flourishing pastures and fields the Hindu traders took up the produce of the fields and organized prosperous markets which became the bee-hive of trade and industry.

Partition and After.

On the 15th August, 1947, the Pakistan Day was celebrated with great enthusiasm by the Muslims while the Hindus and the Sikhs remained suspicious and sullen. This annoyed the Deputy Commissioner.

On the auspicious 18th August, 1947, fell - Id-ul-Fitar, about 3.P.M. a rumour was set afloat in the town that a batch of Sikhs had attacked Muslims women who had gone to celebrate Id-ul-Fitar in the Partap Garden. The Muslim guard volunteers ran to the spot with naked swords shouting provocative slogans and inciting the Muslim masses to rise and slaughter the Sikhs. As a result Muslims in the Dipalpur Bazar and the Haidery Mohalla attacked the Hindus and Sikhs, killing 7 Sikh young men in the bazar. It was a pre-arranged plan and the authorities did not take the serious view of the situation and the culprits were not arrested although the murders had taken place in the broad day light.

On the following day looting started in the bazar in the presence of Khan Atta Ullah Khan, Sub Inspector, Sadar Police Station and other subordinates. As the Police did not interfere, looting continued for the whole day. The Laj Hosiery was set on fire by a furious Muslim mob. The building was gutted and property worth Rs. 50,000, was burnt. While fears spread all over the town, the Police passively watched the operations.

Soon after curfew was promulgated but instead of suppressing the criminals and the law breakers, it suppressed the law abiding honest citizens. The looters were encouraged by the presence of the Police and the enforcement of the curfew and the non-Muslims were successfully prevented from guarding their lives and property.

On the 20th August, 1947, the District Magistrate cancelled the arm licences of the non-Muslims and ordered them to deposit the arms with the Police. The arms of the important citizens like Sardar Sher Singh of Arifwala, Secy. of the Municipal Committee Montgomery and other traders were withdrawn. One A.S.I. Malik Mohd was deputed to collect the arms of the non-Muslims and he blankly threatened the Hindus and Sikhs to quit the town immediately, failing which they would be done to death. He brazen facedly remarked that the non-Muslims had no right to exist in and pollute the sacred land of Pakistan. This broke the morale of the non-Muslims who started to leave the town and began to quit the city in a state of confusion and disorder. About 6,000 people collected on the Railway platform and were forced to remain there for a week without proper rations and adequate protection. As the arrangements for special trains had not yet been taken in hand these unfortunate evacuees suffered great privations and indignities.

The attitude of the Deputy Commissioner was apathetic. The evacuees proceeding to the Railway Station were stabbed and most of them were deprived of their valuables and personal effects. One Mehar Chand with all his family members was waylaid and murdered and their dead bodies were thrown in well. The son of one Wazir Chand also met the same fate, to mention a few.

On the 22nd August, 1947, looting started on large scale under the wings of the Police, respectable officers, government employees, members of the local gentry, lawyers, lower professionals, doctors, big Zamindars and the Goondas vie with each other in accumulating the *male-Ganimat*. It is reported that in this loot the share holders were only the Muslim citizens of the Montgomery worth crores. This wealth had been accumulated by the Hindus and the Sikhs during the course of half a century of peaceful and hard life was distributed

within the span of a few hours amongst those who had the audacity to break all the bonds of law and morality. All cloth shops, provision stores, general merchandise stores, cycle and shoes stores belonging to the non-Muslims were plundered. There were only a few incidents of arson in the town but looting was extensive.

On the 24th August, 1947, the evacuees who had collected on the Railway Station were deprived of their *lathies* and other arms. Thereafter they were attacked by a furious Muslim mob which was aided by the Muslim Police. The evacuees left the Railway station in a disorderly manner and ran towards the Gaushala in order to seek shelter. 3 non-Muslims were murdered and this made the situation in the town very tense. Every non-Muslim entertained serious apprehensions of loss of life, honour, and property of every one decided to join the Refugee Camps which were started at (1) Ram Leela Chawk (2) Gurdwara Singh Sabha and (3) the Barbed wire camp near the Railway Station. The Ram Leela Chawk and the Gurdwara Singh Sabha Camps were meant to accommodate the evacuees from the city and the Barbed wire camp was to accommodate evacuees from the rural areas. The Camps were guarded by the Boundary Force.

Situation in the Suburbs.

Upto the 22nd August, the trouble had spread to the towns of Okara, Dipalpur, Chichawami, Arifwala and Pakpattan. Wherever the trouble was started the attackers had always taken shelter behind the false plea that the Sikhs intended to attack and had taken the initiative. Shout 'Sikh Pai' were raised to incite and collect mobs of Muslims and to provoke them to attack the non-Muslims.

The Janglis inhabiting the villages attacked non-Muslims living in the neighboring villages. The week between the 23rd and the 29th August can be marked as a special week for organizing the communal riots in the district.

As a result of these mass attacks, the non-Muslims inhabiting the country side were forced to leave behind all their movables and immovables and migrated. Those who could not make the way out, were forced to embrace Islam and they did so with a view to save their skins, their property and their girls from abduction. These converts continued to remain in the garb of Islam in their villages until they were later on evacuated by the M.E.O. and the Liaison Agency. It was discovered later on that more than 2 lacs of people had become converts. Copies of the sacred Guru Granth Sahib and the sacred Hindu scriptures were burnt by the Muslim attackers in the presence of the non-Muslims in order to terrify them. Places of worships like the Gurdwaras and Temples were desecrated. The brick work and the wood work of the Gurdwara and temples was removed for personal use by the attackers.

It is fortunate that during these days a Dogra Detachment was posted in Montgomery but for them the casualties and losses would have been far greater. Foot convoys were organized and moved to Head Sulemanki.

The following cases, were reported from the rural area in Montgomery district:-

1. Tehsil Montgomery:

On the 20th instant. 1947, attack was opened on Chak Nos. 133, 137/ 9.L. The wellknown family of Mith Singh consisting of his sons, daughter and other members was

mercilessly done to death, 50 persons were murdered and 30 girls were abducted.

Foot convoys comprising of the non-Muslim population of Chak No. 65/G.D., 68, 71, 73, 77 4. R. Police Station Noor Shah were attacked at Yusufwala Railway Station on the 23rd August, 1947. Muslim National Guards assisted by the Pakistan Police fired upon the convoy resulting in 150 killed and about 150 wounded. A large number of girls jumped into the lower Bari Doab Canal in order to save their honour. About 48 Girls were abducted.

Attack was opened on Chak Nos. 4, 3, 1/14 LP Station Kasowal on the 25th August, 1947, About 200 non-Muslims were killed and 15 girls were abducted.

On the 27th August, 1947, Chaks Nos. 47, 48/ 5 L.P Police station Murjwala on the 20th August, 1947, were attacked, by Muslim mob assisted by the Muslim Police. Heavy casualties were reported. Respectable families such as those of Major Waryam Singh and other were butchered. About 3,000 persons were killed and about 220 girls and children were abducted. Several girls were raped.

On the 20th September 1947, a motor convoy coming from Miss Chana District Multan was attacked near Tehsil Montgomery, 20 refugees were killed and 15 girls were abducted.

It is reported that the girls had been placed in the custody of Fatesh Sher Nagriyal, the owner of the village.

The village of Noor Shah was attacked thrice. In first the non-Muslim warded off the attack by seeking the help from the local Sub. Inspector of local police who was offered a fat bribe. The last attack was made on the 26th August, 1947, and the non-Muslims were challenged to embrace Islam. The entire non-Muslim population (3000) bowed down to the challenge and accepted Islam. The only exception was that of the Atma Singh Mahdi Ratta who alone with 40 members of the family refused to embrace Islam and preferred death. It is stated that he murdered his family members with his own hands and was subsequently shot down by the Police on the spot. The young son of S. Atma Singh who was not present with his family at the time when they were done to death, was later challenged by the Police to embrace Islam but he turned down the proposal and was subsequently shot by the Police.

Tehsil Pakpattan.

On the 23rd August, 1947, village Kumahri Wala Police Station, Pakpattan owned by non-Muslim Zamindars was attacked by a Muslim mob consisting of Pathans and Wattoes. About 120 persons were killed and 180 girls and children were abducted.

On the 5th August, 1947, a train carrying by non-Muslim refugees from Sujabad, District Multan was attacked by Muslims near Kumahri Wala. A furious mob attacked with spears, lathies and rifles, and killed the occupants of the 2 rear compartments, It is reported that about 400 persons were killed and about 200 girls and children were abducted.

On the 23rd August, 1947, village Bhilla Gulam Singh, a village owned by the Sikhs was also attacked by Wattoes and Pathans. 150 persons including children were ruthlessly murdered, about 50 girls were abducted.

Tehsil Okara.

A footconvey of Rai Sikhs from Tibba Dukh Slar, district Lyallpur consisting of about 25,000 persons was attacked by a Muslim mob organized by Mian Abdul Haw, M.L.A. and

other Zamindars near Burj Jiwe Khan. About 1400 non-Muslims were killed and 100 girls and children were abducted.

On the 26th August, 1947, Chak No. 132/I. A.I. where non-Muslim of the surrounding villages had been collected was attacked by a Muslim mob. 100 persons were killed and 25 girls were abducted.

On the same day chak Nos. 2/1 .A.L. and K. Plot where Rai Sikhs had assembled to resist the attack of a Muslim mob were attacked. The Rai Sikhs put up a strong resistance and fought against the furious mob of the Muslims who were armed with deadly weapons including firearms. During fight Shah Mohd of Islampur Station Renala Khurd received a fatal blow and died. This incident demoralised the mob and it dispersed. During the course of this attack about 16 non-Muslims were killed and 20 girls were abducted.

On the same day the Mehar Chand Arora was forced to embrace Islam and take beef. He resented. He entered his house and bolted it from inside. Taking his children into his lap he set fire to his house and was burnt alive, with his wife and 3 sons. As the house caught fire, the doors were forcibly opened and the dead bodies of the deceased persons were dragged by the bullocks and thrown out of the village.

On the 27th August, 1947, a concerted attack was launched against the non-Muslim Zamindars of the Mahalwala by Wattoos, Kharls and Rajputs. The non-Muslims headed by Lala Manga Ram Lamabardar of Mahalwala put up a strong resistance and made an escape leaving behind a good deal of property.

On the 29th August, 1947, a foot convoy consisting of the Sikhs of Mapalke and the Hindus of Guba Fazal and Chuchak was attacked by the Muslims while proceeding to Bhai Pheru. As the convoy was not escorted by Military or Police, the attackers were able to snatch some rifles and fire arms belonging to the members of the convoy. L. Anoop Chand, an influential Zamindar of Guba Fazal was killed amongst others. The number of casualties was reported to be 15.

On the 9th November, 1947, S. Balwant Singh of Jaboka who had become a convert along with the members of his family was attacked by a gang of decoits headed by Sadhuli Bar and Karamali and was killed while coming out of the Mosque after saying his Peshi prayers. His son wife were also killed. His daughter along with 9 others girls was abducted.

Tehsil Dipalpur.

During the course of an attack on Ch. Kambobo, Nadha, Quila Diwan Singh nearly 600 persons were killed and 200 were wounded. 50 girls were abducted. Village Lakaranwala was also attacked and Lala Girdhari Lal Malhotra Lambardar and an influential Zamindar with his two relatives was murdered.

On the 27th August, a train coming from Burewala was attacked at Basirpur Railway Station. 1000 persons were killed and 200 girls and children were abducted.

On the same day a Muslim mob attacked the non-Muslims in the village Masirpur. The Hindus and Sikhs killed their own women when challenged to embrace Islam. About 250 women were killed in this manner. Most of the Hindus and Sikhs were later on able to take shelter in the fort but about 300 persons who failed to do so were mercilessly butchered.

On the 3rd November, 1947, 3 guides namely Gopu Ram, Munshi Ram and one other person came from India to effect the evacuation of their relatives from Police Station Dipalpur, None of them along with the evacuees ever returned to India. It is reported that

this convoy consisting of about 125 persons was murdered near Head Sulemanki by Pakistan Military and their property was looted and young girls were abducted.

In spite of the fact that mass conversions had taken place in this district, the looting of the property of the non-Muslims continued. As there was deep distrust amongst the Muslims they did not consider the conversions as final. About 3,00,000 of non-Muslims had left this district either on foot or by trains or by motor vehicles up to the 8th September, 1947. The last train carrying about 5,000 refugees from Montgomery reached Ferozepur on the 9th September, 1947, and from Okara on the 11th September. The latter train was attacked near Raiwind Railway station on the 10th September, 1947, and about 30 persons were killed and about 150 persons wounded. Property worth lacs of rupees was also looted.

Establishment of the Liaison Agency.

The Liaison Agency was established in the district on the 4th October, 1947. At this time about 70,000 non-Muslims were still left behind as converts, all over the district. Traders in Chichawatni Sub Tehsil and Hindu Arora Zamindars in Police Station Noor Shah were found stranded as converts. They were demoralized, their movements were restricted and they were being treated as untouchables and suspects by the Muslims. These converts were called the Din Dara and were considered to be the ruled nation. Out of fear of murder and loss of property they were not willing to come out openly. They were all contacted and it was realized that most of them were willing to come out provided they were guaranteed safe evacuation with their household articles. It was disclosed that most of them were anxious to be evacuated but wanted safe passage. The murder of Chand Krishan son of L. Radha Krishan Advocate on the 4th November, 1947, deteriorated the atmosphere but on the other hand this incident expedited the operation of evacuation.

On the night between the 3rd and the 4th October, 1947, Chand Krishan was murdered while he was sleeping in his bungalow. Mrs. Chand Krishan who encountered the attackers also received injuries on her person. As a result of these injuries, caused by sharp-edged weapons her right hand had to be amputated under the advice of the Civil Surgeon. The Police and the Civil authorities did not show any enthusiasm and the culprits were not traced. Mrs. Chand Krishan was, however, safely evacuated to India after a fortnight.

On the 8th November, 1947, the Hindu Chowkidar of Buch Stadium was murdered by a group of Muslim Gundas. On the 14th November, 1947, the barbed wire camp near the Railway Station was attacked by a large number of Muslims.

The Maharatta soldiers who were on night duty along with the Pak Army soldiers opened fire. One of the attackers was killed and the rest took to their heels.

On the 29th October, 1947, non-Muslims were evacuated from Chichawatni and Sheikh Tayib but the Naib Tehsildar of Chichawatni, commonly known as Malik Sahib and Muzafar Shah Sub Inspector of Police carried on a vigorous search of the personal effects of the evacuees against the inter-Dominion agreement and the evacuees were deprived of their household articles, ornaments of gold and silver and licensed arms.

On the 23rd November, 1947, the Naib Tehsildar Okara refused to provide accommodation for the parking of the Agency vehicles and for the use of the P.W.D. Rest House and ordered that he would not allow the Indian Military to enter the Municipal Limits with the result that the Indian Military and the Agency Officers were forced to park their vehicles

on the roadside.

On the 26th February, 1948, one Jaswant Rai of Khanewal who had come to Montgomery to assist in the recovery of his wife two young daughters and a son who had been abducted near Pakpattan from a convoy proceeding to Head Sulemanki in August, 1947, was left with Mehr Talib Hussain, Sub Inspector Pakpattan and Khan Zaman President of the Muslim League under the instructions of Raja Qumur Zaman Inspector incharge evacuation and recovery work with a view to assist in the recovery of his lost relatives but Jaswant Rai was not heard of thereafter and all efforts made to find out his clue met with no result. A case was registered and the Superintendent of Police was requested to make special efforts to discover the whereabouts of Jaswant Rai. On the 23rd April the Superintendent of Police., Mr. M.R. Ahsan informed the District Liaison Officer that Jaswant Rai had left Pakpattan but Jawant Rai never reached Montgomery and has not been heard since.

On the 15th March, 1948, one Rai Sahib Sunder Dass who had chosen to stay at Montgomery invited the District Liaison Officer and Major Hari Singh with staff to a dinner. Immediately after the guests had left the Pakistan Military encircled his house and took him into custody. He was taken to a jungle situated at about 10 miles from the city and was threatened with death as it was stated that he had shown hospitality to Indian soldiers. He tried to assure the Pakistan Military that he was a loyal subject to Pakistan but they did not accept his words and tortured him. His appeals for mercy went unheeded until he promised to pay Rs. 100/- and give a radio as compensation for the offence he had committed in entertaining the Indian Military personnel.

On the 5th May, 1948, one Mool Chand a guide accompanied the D.L.O. to assist in the evacuation of his mother-in-law and brother-in-law. His mother-in-law Shrimati Ratto, who was willing to be evacuated was approached in village Kalyiana formerly owned by Sir Datar Singh and at the moment occupied by Muslim refugees. When the news of her readiness to be evacuated spread in the village, the Muslim refugees gathered in large numbers armed with rifles and hatchets and threatened anything else but three cloths. The Pak Police which had been sent with Evacuation Party remained passive. The local Police of the Zabula police Station was requested to help in the matter but Head Constable Noor Mohd who was incharge of the Police Station in the absence of the Sub Inspector refused to render any help and remarked that he did not mind if D.L.O. was murdered. The D.L.O. was insulted and had to retreat. When the matter was brought to the notice of the higher Police authorities no action was taken.

On the 27th June, 1948, one Des Raj Khera who had also decided to stay in Pakistan with his family as a Hindu was murdered while coming from Chak NO.78/6- R to Montgomery on horse back by his Muslim tenants and servants. The news was suppressed for 3 days, It was given out that he died on account of a fall from the horse back. At first the Police refused to register the case but when the Civil Surgeon's report revealed that the death had been caused by strangulation the case was registered but it was not actively pursued and was ultimately filed as untraced.

The attitude of A.S.I. Abdul Hamid incharge of the camp guard continued to be objectionable throughout. He would not let the local guides to come into contact with the D.L.O. and thus obstructed in the evacuation of the Hindus through the Liaison Agency. Such persons as wanted to join the camp on their own accord were subjected to various

atrocities. Even when in the camp, he tried to conduct searches of their belongings with a view to harass them and often detained convoy without any cause.

The attitude of Raja Hassen Akhtar, Deputy Commissioner, Montgomery was unsympathetic. He hesitated to grant interviews to the Liaison Agency or to the Lady Workers and avoided to see even the officer of the Indian Military Organisation. It is reported that one Col. Thote of the 3rd Marhata Regiment was not granted an interview by him. He often stated that he had delegated the powers and functions regarding evacuation of non-Muslims to the Additional District Magistrate Mohd Akram but Mohd Akram took the clue from his boss and behaved equally rude. He was callous to the Indian nationals and obstructed the work of evacuation and recovery. He used to entertain frivolous applications made by interested persons for the detention of the willing evacuees. One Saudagar Ram with three young daughters and his wife was evacuated from village Roshan Shahni in the month of May, 1948. The A.D.M. issued a notice to the Liaison Officer directing him to produce Saudagar Ram and his young girls before him in open court. The notice was issued only to harass the evacuees. The Liaison Officer produced only Saudagar Ram at his residence. Saudagar Ram made a statement to the A.D.M. that he is willing to be evacuated to the East Punjab. Similarly a young boy Jhangi Ram was also ordered to be detained.

One Vidya Vati daughter of Chet Ram Goldsmith joined the Hindu Refugee Camp on her own. The A.D.M. told the D.L.O. that she should not be evacuated until the result of the enquiry to be held by Raja Zamer Zaman had been communicated to him. Vidya Vati had stated in the open court before a Magistrate that she was willing to be evacuated and repeated the same statement before the Superintendent who agreed that she should be evacuated. She was evacuated to East Panjab on the 8th April. Upon this the A.D.M. became very much annoyed and wrote objectionable and offensive letters to the Liaison Officer.

The Camp arrangements were also under the A.D.M. but he was absolutely non-cooperative and would not even issue full rations. From the 6th December, 1947, up to the 20th January, 1948, they supplied no rations whatever to the refugee camp. No arrangements were made for the supply of firewood to the Camp up to the 20th January, 1948. Thereafter the camp received ration at the rate of 4 Chhatanks of rice per head per day from the district authorities. No ration was given for the numerous *bazigars* and evacuees from the Pakpattan Tehsil who came out in large foot convoys.

The Deputy Custodian of Evacuees Property was Mr. Mohd. Mohisin Trimzi, an evacuee from the East Punjab and unfortunately as he could not bring his personal effects his mind remained poisoned and he obstructed the removal of Hindu property. He refused to issue permits for the removal of the furniture and cattle of Karam Chand, Bibi Mohinder Kaur Bedi, L. Munishwer Chander, S.E. and L. Lekh Raj on 26th of May, 1948. He ordered the auction of the personal effects of Kishan Singh, Executive Engineer, Rothak although Custodian's permits for the removal of their property had been obtained. It became a practice with him to auction the property of a non-Muslim as soon as an application was made for its removal. He issued only 4 permits in all.

A non-Muslim Refugee Camp was established on the 4th October, 1947, near the Railway Station and was called the Barbed Wire Camp. Adequate arrangements were not made for water, shelter, light, cleanliness and medicines. The camp was guarded by the Punjab Regiment and the Mahratta Regiment. On the 1st January, 1948, the camp was shifted to the filthy Stable Remount Barracks and the D.L.O. was obliged to maintain his residence,

the rescue home for the recovered girls and the East Punjab Police in this place as they were refused another accommodation.

On the 2nd September, 1948, the D.C. imposed further restrictions on the movements of the D.L.O. and prohibited him to go into the interior without the previous approval of the D.C. in writing which practically crippled the D.L.O. as it was not always possible to obtain the previous approval of the D.C. in time and by the time the approval had been obtained the persons who had to be recovered or evacuated had been threatened or removed to some other place beyond the reach of the D.L.O. who would not contact him and thus the very purpose of his visit was frustrated.

On the 2nd September, 1948, the D.L.O. and his party were ordered to remove their camp from the Remount Barracks to the Government Industrial School Montgomery. The major portion of the school was being used as an institution and enough accommodation was not available there. The fact was brought to the notice of the D.C. personally but did not succeed. In the meantime the A.D.M. sent police to get the Remount premises cleared and turn out the Agency staff along with the evacuees.

The conduct of Mr. M.R. Ahsan the Superintendent of Police was no better. No doubt he was sweet and gentleman in his behaviour but he was also always hesitant to render any help with the result that his underlings also behaved no better and refused cooperation. Some of them positively obstructed the work of evacuation. Mehr Talib Hussain, Sub Inspector of Pakpattan and Ch. Wali Mohd Sub Inspector Hujra actually took part in looting and collected tons of money.

One Satya Wati was abducted and a case was registered. The case was still pending with the Police when the parents of the girl were forced to migrate in the disturbed circumstances following August, 1947. In February, 1948, Satya Wati was recovered and was produced before the D.C. who recorded statement against the inter-Dominion agreement and returned the girls to the abductor with the instructions that she should be produced when required. The D.C. was requested to give an opportunity to the Indian workers to have a private talk with the girl, but the request was turned down. On the 8th March, 1948, the girl was produced before Raja Ghazanfar Ali Khan, the Hon'ble Minister for Refugees on the Railway Platform. As soon as the D.L.O. with Miss Damyanti Sehgal, the Lady Social worker reached the place the girl hurled a show on Miss Damyanti Sehgal in the presence of Raja Sahib who was annoyed and remarked that the girl must be returned to the Indian Union. Although the girl was taken to the Muslim Girls Rescue Home at the Ganga Ram School but later on she was returned to her abductors.

Evacuation, as stated above, the last train which took refugees from Montgomery to Ferozepur, left on the 11th September, 1947, and was attacked near Raiwind. Between the 1st August, 1947, and the 9th September, 1947, as many as 2,25,000 persons left by foot convoys and 16,999 persons left by trains. Between the 9th September and the 15th October, 1947, there was no evacuation from the district as it was reported by the D.C. that there were non-Muslims who wanted to be evacuated. The true picture came to light when the Liaison Agency was established and the D.L.O. surveyed the important places personally. Traders from Montgomery and Okara Tehsils and peasants from Pakpattan Tehsil were approached and a large number of them showed willingness to be evacuated provided they were granted safe escort. Similarly Harijans from the Chichawatni Sub Tehsil also desired to be evacuated. A large number of Harijans, Oads, Rajputs and Bazigars were evacuated from

the interior of the district during the following days. The last foot convoy who crossed the Indian border through Head Sulemanki consisted of *bazigars*, in the first week of May, 1948. Most of the Harijans became converts to Christianity for fear of life but when the Liaison Officer approached them they showed readiness to be evacuated and come out in large numbers.

It would thus appear that most of the persons who wanted to be evacuated have been evacuated and those who were left behind have been approached over and over again and are not willing to migrate, being satisfied with their lot. Amongst them are Lala Ganga Ram Khera, of Tibi Jai Singh and Lala Bhagwant Dass alias Ghulam Rasul of Malkan Hanse and Diwan Mul Rai of Matki Police Station Haveli and they might as well be left to their own fate.

Recovery of abducted Girls.

In the beginning the recovery of abducted girls was being done by the Dogra Military posted in the district. About 500 abducted girls were recovered, but the West Punjab Special Police staff deputed to assist the Indian military and police did not give full cooperation. In fact they remained indifferent and some times became even obstruction. Often they mixed up a case of evacuation with one of the abduction. The East Punjab Police also did commendable work under the leadership of D.S.P., D.C. Khanna and Pandit Sada Rang who deserve praise for having recovered Prem Kaur daughter of Tikka Ram of Dipalpur, from the custody of Naib Tehsildar Barkat Ali. A boy named Tara was also recovered from the custody of Naib Tehsildar of Dipalpur.

Property.

An estimate of the loss of property suffered by the non-Muslims is not easy to make. Big Zamindars like Mahant Girdhari Lal of Bhuman Shah, L. Ram Raka Mal Vij of Pakpattan, Ch. Mahla Singh and Hukam Singh of Bahadurgar, Tehsil Okara, Lala Manga Ram of Mahal Wala, Ch. Harkrishar Lal Kamboj and S. Hukam Singh Chopra of Dipalpur Tehsil have suffered a great loss. The non-Muslims left behind Dairy farms, Breeding and Development farms and Foodgrains Depots. As stated above, 2,25,000 were forced to cross the border on foot in disturbed conditions and, therefore, could not remove their personal effects. Most of the movable property left behind by the non-Muslims was auctioned by the Deputy Custodian at ridiculous prices or looted. It is reported that the iron shop of Lala Munshi Ram containing iron worth Rs. 60,000 was auctioned for Rs. 2,000/- Similarly the shop of Lala Ram Ditta Mal containing property worth Rs. 50,000/- was auctioned for Rs. 1500/-. A good deal of property has been left buried underground in the shape of gold ornaments and accounts.

Places of worship.

Places of worship in this district also made no better fate. Almost all of them were used as refugee camps. The Guru Nanak Sar at Harappa was desecrated. The temple of Baba Lalu Jas Rai at Dipalpur was destroyed. Temple of Baba Jwala Singh at Noor Shah was also visited by the D.L.O. All the images were missing.

Report of Work by Liaison Agency in District Multan

*East Punjab Liaison Agency Records Punjab State Archives Patiala
File no LIX/2*

Disturbances of 1947

The district of Multan had an area of 5719 square miles. The greater part of this district has natural river boundaries provided by the Chenab and Sutlej and the river Ravi also runs through its lands.

It was once well known for its dust, heat, beggars and graves (Gardo-o-Garma-Gada-o-Goristan, Chahar Cheez-Tofa-i-Multan) but the advent of the Sutlej valley project and the lower Bari Doab and the net works of other canals has altogether changed the face of the land and its fertility has increased. Further the immigration of Stalwart non-Muslim agriculturists from the Majha, the Malwa tracts of the East Punjab with crores of rupees available for investment changed the conditions of Multan. Every new comer who now sees the beautiful colony towns of Vihari, Burewala, Khannawal and their neighboring green fields is compelled to remark that the old saying does no longer hold good. It may be mentioned that the colonists were mostly Sikhs and Hindus. The bulk of the Hindu population, however, lived in the towns and they were only 12% of the whole population in the rural areas. Hence it was that the authors of the riots made a beginning of their diabolical acts from the far off rural places.

February 1947, Anti-Khizar Agitation

On the 5th March, 1947, Nanak Singh, Advocate a Sikh leader was slaughtered in broad day light on the Bohr Gate Bazar. It was later on found that Muslim mobs outside the city walls were murdering Hindus and putting the huge buildings of non-Muslims on fire with the result that within 2 or 3 days 106 non-Muslims were murdered and immovable property valued at about a crore of rupees was reduced to ashes. Within a week the number of persons killed reached 200. Most of the temples situated outside the city like Jog Maya, Dev Shella, Maswan Nath were burnt and before burning the same the Idols of the same were dishonoured and broken to pieces. Whenever the Hindus or their leaders approached the S.P. or the D.C. with the complaints of murder or arson or loot they only retorted, "Call Mahatma Gandhi". Several bazars outside the city were burnt down. The cruel hands of the murderers did not spare even the dying patients of the T.B. Hospital who were about 20 in number.

5th March, 1947.

When the gangsters and the decoits turned their attention to the area inside the city, the Hindus offered strong front and successfully resisted the incoming mob who were compelled to retreat.

It may be noted that Multan Sewa Samiti, and Congress also really did commendable work both in organizing resistance and relief. About 80 thousand rupees were spent by this association.

Shri Bhagat Permanand Captain, Dr. Parshotam Lal, President, Seth Bhagwan Das Vice President and Sarda Ram member were amongst those who did really useful work. Seth Ghansham Das Millowner helped the association with his liberal donations. The local Congress with its President, S. Gopal Singh and Shri Seth Dev Datta Ji and other member helped in the relief work.

Since March the district remained mostly disturbed and every now and then there were cases of loot and murder which were recently organized by the League workers like Rana Gul Mohd and inspite of full knowledge of the same the authorities and the police remained aloof.

August 1947, Birth of Pakistan

Again, in August, 1947, the disturbances took a serious turn. The district was practically with no government and the local League workers were openly organizing meetings and giving instructions to the masses to prepare to clear Pakistan of the non-Muslim, when hint from the above came. Syad Zain-ul-Abdin Shah Gilani, M-C. Multan City, Rana Gul Mohd Rana Shafi of Shujabad, Dr. Ahmed of Kabirwala took a leading part in such activities.

In the month of September, 1947, the League openly came out and its prominent workers like Zain-ul-Abdin, Shah Rana Gul Mohd, Rana Shafi, Mohd. Amin Kanju begin to preach direct action. As a result there of attacks were made on innocent and unprotected Hindus in far off villages like Ghazipur, Khan Bila, where no police or military aid could easily reach.

Khanewal Tehsil (Johar-at-Kot Khalsa)

Owing to the insecurity of life all the Sikhs and Hindus in Janakpur and neighbouring chaks had gathered at Kot Khalsa, 16/9 R. On the 20th September, 1947, They were 3500 in number. They were attacked on the 22nd September, 1947, by a huge armed mob they carried on the fight for two days and were reduced to 1000 and in the meantime rioters strength increased and thus the non-Muslims were reduced to a miserable plight and finding that the honour of their female folk was in danger against the heavy odds of Pathans and Afridies fully armed with guns, they all males females and children jumped into the prepared sacred fire on the 24.9.1947, and ended their lives. Thus ended the Kot Khalsa struggle.

4. Sikhs and Hindus who could not reach Kot Khalsa were either converted or Killed and their females abducted.

Kacha Khu

At Kacha Khu and in its neighboring chaks there were similiar disturbances so much so that the fury of the mob did not spare even the most popular Headmaster of the Local High

School Shri L. Tola Ram Ji, who could proudly say that in every home in that Ilaqa there was pupil of his. He was attacked and looted, his one servant was murdered and his two daughters were abducted who were recovered later on through the Liaison Agency.

Makhdumpur Paharan

On 26.9.47, a big murderous attack was organized by a local A.S.I. at Makhdumpur with the aid of Khan Mohd Hayat, retired S.I. with the result that out of the total population of 4000 only 150 escaped alive. Old ladies and children were murdered and young girls and ladies were abducted. Haji Khuda Bux, D.S.P. Khanewal at once reached the spot and rescued some 350 girls but this created a storm of hatred against him and his action was not approved in higher circle with the result that he was forthwith transferred. About 250 girls were left and in spite of best efforts of local Hindu Zamindars and their Muslim friends only about a hundred were recovered as a result, about 150 girls of this Ilaqa were still missing, when the Liaison Agency came into operation. From 10.11.47, to 10.9.48 (when the agency office was closed at Multan) there have been 25 recoveries of females besides 5 children. It may be noted that Mr. Miller was S.P. during this period.

Chanu (Tehsil Khanewal)

On the 18th September, 1947, eighteen military trucks left Chanu at Kamandwala near Bure Mandi, they were attacked by a Muslim caravan coming from the East. L. Jinda Ram, big Zamindar of Chanu with several members of his family was murdered and looted. It is estimated that some 40 to 50 persons were murdered.

Tehsil Multan

At Rampur a village about 18 miles from Multan City a tragedy similar to the one at Kot Khalsa took place. Fight went on through out the day. Ultimately the invaders increased in numbers and overpowered the Hindus. The ladies then organized themselves and decided not to surrender but to jump into the sacred fire and thus save their lives. About 400 ladies committed 'Johar' and the men carried on the fight in which 800 Hindus were killed and while the fight was still going on the military arrived and dispersed the rioters.

Shujabad

There was a meeting at Pera Ghabi half way between Jalalpur and Shujabad in which Dewan Sahib of Jalalpur, Rana Gul Mohd, Rana Shafi of Shujabad and several big Zamindars of the tehsil joined. They decided to clear Pakistan of non-Muslims. It was on the 20th or 21st of September. The result was that a few days after, all at once riots begin from Ghazipur. On one night when people were sleeping they were all of a sudden called out and asked to pay Rs.600/- as contribution towards the relief of their refugees else they would not be protected. They at once paid the money but still they were looted the next morning and made to run away. While they were on their way to Jalalpur many people were killed and their ladies and children were abducted. Similar treatment was offered to non-

Muslims of Khan Bela and other villages near Jalalpur. Thus a huge mass of non-Muslims Hindus and Sikhs took shelter at Jalalpur.

Tragedy at Pera Ghiab

On the 26th September 3 motor lorries duly packed were coming towards Shujabad from Jalalpur. On reaching Pera Ghaib a constable stopped them and then a huge Muslim mob fell on them. They were led by Rana Mohd Shafi. They first looted all their property, removed all the ornaments of the ladies and then killed all the males and abducted the females and children. About 50 of such females are still missing. Rana Shafi took the ladies in 'Kachawas' camel lifts to Chah Mithai wala. He being a landed magnate no pressure has succeeded against him.

He is keeping the girls with him but whenever the police arrives he removes them to the adjoining Bahawalpur State territory. I have moved for his arrest but for political consideration he is not being touched.

A special train from Shujabad with non-Muslim refugees left on 25.9.47, for East Punjab via Lodhran. It was attacked near Pakpattan by Muslim mob, property was looted, some females were abducted and men killed. On reaching the destination 200 were found missing. The personnel of the Baloch Regiment escorted it but they did not resist the attack.

Jalalpur

Seeing the tragedy at Pera Ghaib inspite of all difficulties and want of food Hindus did not leave Jalalpur. Ultimately they were surrounded by the rioters and even the police (Mr. Sufi S.I. declined to come to their help). Fight went on for a number of days, until the Hindus were reduced to 1700. Then they finally decided to voluntarily put an end to their lives and those of their ladies and children instead of becoming preys in the hands of their enemies. They collected all the oil and *ghee* available, besmeared their bodies and decided to simultaneously burn themselves along with all their valuables. They voluntarily put an end to their lives by touching fire to their clothes, only with a view that the honour of their females may not be spoiled.

Thana Kahrar

On the 15th October, 1947, when owing to insecurity of life all the Hindus and the Sikhs had left the town for the Railway Station to entrain the first special; in the midway all the Sikhs, their children and females were separated from the entire mass of the evacuees, men were all shot dead by the Baloch Regiment, the women were all abducted and handed over to Mohd, Amin Kanju, Rana Alla Dittu Noon, Nazar Mohd, Phul who were local League leaders. Mohd Amin Kanju is mostly responsible for this tragedy. The Hindus evacuees who left Kahrar as late as the 6th November, 1947, report that the girls were alive and were in the possession of Mohd Amin Kanju. There are many eye witnesses of this tragedy, Chief being S. Jagdish Singh Patwari who was injured by shots and Mehta Khilanda Ram, S.V.P. of the Kahrar Municipality.

Inspite of the Liaison Agency's best efforts many women are yet missing. Kanju stated to the D.C. A.D.M. (Mr. S.A. Baig and Mr. Mohd Shafi) on the sacred oath of Kuran that there was no girls with him he was falsified by the D.L.O. by getting 3 women recovered by the joint efforts of East and West Punjab Police. These women were produced before Mrs. Baig and then before the Deputy Commissioner on 24.5.48, they were recovered from the house of Kanju's servant and his other relatives.

Still further Jagjit Kaur (daughter of S. Khazan Singh Reader, Naib Tehsildar Kahrur) who is one of the abducted girls, wrote a letter to her relation S. Sunder Singh that she was at Chorwah (Kohror) where she was detained by Allah Ditta Noon and that he made attempt to rescue her. This original letter was sent by S. Sunder Singh to S. Gopal Singh the then R.L.O. Multan and to District Liaison Officer, Multan, who put it in the local meeting. Mr. Miller the then S.P. was asked to investigate but as he had already expressed the opinion that this girl was dead nothing was done.

Inspite of these facts Kanju and his party were not arrested. In the local committee the District Liaison Officer, put all these facts and moved for Kanju's arrest but owing to his influence in the League circle he was not being touched. He has stated to the authorities that he has murdered all the girls and still no body touches him.

8. Tragedy of Chak 39-Dunyapur

By the middle of October, 1947, while there was no satisfactory arrangement of Evacuee Camp at Dunyapur Railway Station a party of 40 non-Muslims left Dunyapur Station towards Thatta Pawaliayan. At about night fall while they were passing Chak 39, all of a sudden a huge armed Muslim mob attacked them and after looting them they hid in adjoining fields. The Police arrived next morning into the adjoining fields, prepared 'Fard' of the dead bodies and removed the dead bodies to the side of minor flooring near Sherwahan.

These bodies lay there for 9 months. The kites and cates ate up their flesh but the skeletons lay there untill 10th of May, 1948, when District Liaison officer, Multan was there along with L. Bhagwan Dass guides who was in search of his brother and the latter's family from Chak No. 39. We came to know that all the members of the said caravan had been murdered.

Rai Sahib Tulsidas Advocate Zamindar of Ali Sherwaha told the District Liaison Officer and L. Bhagwan Dass guide that about 40 persons were killed and their dead bodies were still lying by the minor canal side and that this he learnt some two days back. The person who gave the information was called and he took our party to that place where L. Bhagwan Dass identified his brother's skeleton by the shirt he wore and his niece by the Bangles (Kach) she had on her arms and then the dead bodies were collected and after keeping special bones for saskar at Hardwar rest, were thrown in the river.

Majha Kotla and Jamala

Shortly afterwards all the Hindu males of Jamala and Majha Kotla and neighbouring wells were collected together and taken to the Bank of big canal near Jamala. The big crowd of Muslim was sitting by the canal side. One by one the Hindus were brought and compelled

to lie down on a stone then they were butchered.

After males the females were collected. They had taken shelter in a mosque. Therefrom they were thrown out and taken to the former place and put to death. The number of persons killed is estimated at 200.

With such a disturbed state of the rural areas of Multan people flocked to big centres where military camps were working or to Multan City which they considered comparatively safe. The result was that inspite of migration of a very large number from Multan there were still 80,000 people. But every now and then there was a tragic occurrence as admission to the evacuee camp was very difficult. Owing to these difficulties people were often duped and led to their own slaughter as the following incident will show. On 10.10.47, four Balouchies impersonating themselves as Dogras met one Seth Bhagwan Das Silk Merchant at Multan City and promised to take him and all the members of his family 7 in number under their own escort out of Pakistan as they were leaving shortly. On the 12th October, 1947, at 9.30 P.M. Bhagwan Dass and party with all the valuables left with those Balouchies who detained them over night near the Cantt Station. On 13.10.48, they were all settled at 5 A.M. at Cantt Station, in a train bound for Lyallpur. When the train left Multan City and was out of distant signal they were all stabbed one by one and thrown out of the train.

This tragedy came to light when the groanings of Krishan Lal one of the party who was lying bleeding were heard by a party who had gone to the cremation grounds. Krishan Lal could not speak, he wrote his tragedy on paper which he got from that funeral party. He was then taken to the hospital where he died. That statement was produced before the police.

Mukand Lal one of Bhagwan Das relation's pursued the investigation and on 16.10.48, recovered., Durahan Kumar one of the party, on payment of Rs. 300/- to a cartman. All the women are yet untraceable.

Similarly on the 5th of November, 1947, a party of 9 Hindus were approached by a motor driver who promised them admission to the camp on payment of Rs. 15/- each. He took them with all their valuables at 10 P.M. and on the way all were slaughtered and looted. Body of one of them was recovered. Driver was arrested but nothing came out of it still, Seeing these tragedies the East Punjab Government changed the evacuation staff and besides East Punjab Government provided daily special trains. It may be noted that Brigadier Munir and Seth Ghansham Dass helped me in successfully doing this work of evacuation of a huge population of 80,000 from Multan City. Brigadier Munir personally supervised the protection of the evacuees on the route from the city to the camp and Seth Ghansham Das met all the expenses of offering free lift or goods and of ladies and children to the evacuees. It may be noted Munir was against partition of the Punjab. 80,000 were evacuated in two days without any accident.

Recovery of abducted girls

There were 700 cases in which report was sent to the police but it was found that many of the recovered girls were out of that list which proved that the actual number was more than the number of reported, cases.

Any how out of 700 only 309 (including children) have been recovered and 396 are still left of 68 are with definite clues.

The big Zamindars like Mohd Amin Kanju, Allah Ditta Noon and party at Kahrur, Rana Shafi, Rana Gul Mohd, Raja Taj at Shujabad, Allah Bux Joya of Ghazipur, Nasir Din Shah Zaildar of Sarai Sidhul, Sayad Nan Baby Shah M.L.A. of Katolpur are either themselves culprits or they are protecting the culprits and unless Government takes strong action against them further recovery is not possible. It may be noted that whenever authorities arrested big Zamindars like Khan Beg of Kachakhu (a Subedar) or gave pressure as in the case of Shah Mohd Khichi of Shitab Garh (Mailse) girls were recovered although they had been sent to far off places like Banu or Kohat. But in cases where owing to political influence in League circles of the culprits the officials did not touch culprit Zamindars like Kanju of Kahrur or Rana Shafi of Shujabad attempt at recovery had ended in failure.

Evacuation

Owing to riots and consequent loss of life and property and want of travelling facilities thousands of non-Muslims living in places far away from the centre became converts to Islam in order to save their lives and the honour of their females. Before the 15th of November 1947, when I replaced Rai Sahib Malik Mathra Dass as D.L.O. assessed estimate of converts was 5000 of which 4355 have since been evacuated leaving 655 out of which 100 at the most 200 more may be willing to come out.

Deaths

It is estimated that about 15,000 Sikhs and Hindus have been killed in these riots in this district.

Loss of movable and immovable property

Movable property including ornaments of gold, silver, and cash valued at about 3 crores of rupees have been looted during these riots and immovable property worth about a crore and a half of rupees has been burnt down. Besides property is being damaged by removing the doors, beams etc. of the houses. Goods and furniture which were left behind or entrusted to friends have been forcibly taken by the *Baitulmal* authorities and auctioned at nominal prices or given away free to the Mahajars. All this was done without any lawful authority as this was not unclaimed property, owners thereof being fully known to the authorities.

Temples

All the temples in this district except Jain Temple in the city (which is still sealed and locked) have been desecrated and the marbles of several buildings have been removed.

The huge building of temple Bhairon Nath situated on the Suraj Kund Road near the City Railway Station Multan has been completely destroyed so much so that not a single brick has been left. I invited D.C.'s attention by wire on the 20th April, 1948, and in spite of repeatedly inviting his attention nothing has so far been done. The result is that this temple has absolutely disappeared from the face of the earth. It may be noted that Rai Sahib Metha

Ram Rattan C.L.O. also inspected this temple on the 22.4.48, and spoke to the D.C about it. Further on 1-7-48, Rai Sahib on his second tour again saw the same while some persons were actually demolishing the same.

Sd/- Kewal Krishan,
B.A.L.L.B.,
District Liaison Officer Multan.

Statement showing names of prominent officers:-

1. Mr. Arthur, D.C. during the riots of 1947, who continued as Deputy Commissioner till November, 47.
2. Mr. Miller, S.P. who was transferred only 3 months back.
3. Mr. Wall, S.P. who joined in June, 1948.
4. Mr. S.A. Baig, I.C.S., Deputy Commissioner, since November, 1947.
5. Haji Khuda Bux, D.S.P. Khanewal in September, 1947, who rescued 350 abducted girls of Mukhdumpur Pahoran and owing to this he was transferred.

Sd/- Kewal Krishan,
District Liaison Officer,
Multan.

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Report of work by Liaison Agency in District Muzaffargarh

*East Punjab Liaison Agency Records Punjab State Archives Patiala
File No. LIX/121*

Muzaffargarh is surrounded by Mianwali district on the north, Bahawalpur and Bikaner States on the south, Multan and Jhang on the East, and Dera Ghazi Khan, on the West. The three rivers of Punjab namely Chenab, Ravi and Jhelum, flow towards its Eastern boundary and Indus on the Western boundry.

August-Disturbances

Raja Sultan Lall Hussain was incharge of the district for three years and seven months. During this period the Leaguers had not the courage to do any mischief. When League Ministry came into power Raja Sultan Lall Hussain was compelled to proceed on four months leave and was succeeded by Syad Ijas Hussian on 20th August. All the Hindus officials had been transferred before the 15th August, 1947. It was for the first time that the minorities felt insecure under the new Muslim League Ministry. A Minority Protection Board was set up to safeguard the interests of the minorities of the district. When riots broke

out in some districts of the Punjab a deputation of the Minority Board waited upon the district authorities and requested them for precautionary measures, but this time the authorities were not serious. In the last week of August, when stray cases of stabbing occurred in buses and trains the police took notice of them. Apprehending trouble even at the Head Quarters of the district a deputation of the Bar Association waited upon Raja Lall Khan S.P. who bluffed them by saying that the situation was very well in hand. The members of the Muslim National Guard in green uniform, armed with deadly daggers moved freely from village to village, This had a demoralizing effect on the minorities who felt that their fate was sealed. Virtually it became impossible for any non-Muslim to undertake journey without proper escort which was not easily available. The climax reached on the night of 27th of August. when a Muslim mob of seven thousand tried to attack the Muzaffargarh town. Chowdri Sanaulah Khan, S.H.O. Saddar Muzaffargarh had assured the goondas that in the event of an attack he would not take any steps against them. The strict vigilance of the citizens foiled their attempt. On the 28th morning a Sikh was murdered in broad day light and the police took no notice of it. On the same day a procession of the Muslim National Guards paraded the main Bazars of the M. Garh town with cries of blood for blood. Telegrams were sent by the Minority Board to the higher authorities but to no effect. The Minority Board issued instructions to all the non-Muslims of the district to rely upon their own efforts by resorting to *Tikhari* Patrol at night. The result of this patrol was that all the towns in the district remained safe from the attacks of the rioters. The non-Muslims in villages suffered a good deal as the police constables on duty also fanned the rioters. Emboldened by the apathy of the police authorities the Muslim National Guards organized the mob and adopted a plan to attack several villages on the same date and at the same hour. Most of the villages were attacked on the 4th, 5th, 7th, and 9th September as per set programme. The non-Muslims were mercilessly butchered, their property was looted and their women were abducted. Most of the villages when attacked embraced Islam en-block and thus saved their skin. The position of the district, tehsilwise were as follows:-

Muzaffargarh Tehsil

In this tehsil 27 villages were attacked, the chief among them are as under:-

1. Village Kinjhar

It was a flourishing village with a population of 3000 Hindus, A mob of seven thousand surrounded the village in the early hours of the morning of the 7th September S. Kartar Singh A.S.I. Kinjher fired several rounds with the result that the rioters dispersed, But they were however successful in setting fire to the whole village after looting it. Twenty five Hindus were killed and 10 were wounded. it was significant to note that the Police Station was situated in the heart of the village. The villagers took shelter in the compound of the police station till they were evacuated, No steps were taken by the other police constables on duty. One Bhag Singh, a local Zamindar who had a license for a gun fired several shots and to a great extent helped the villagers. The total loss of the non-Muslims property is estimated at several lacs.

2. *Basti Maulvi*

On the 7th September, this village was attacked by a frenzied mob. 480 Hindus were killed and the entire property was looted.

3. *Basti Chandya*

This village was attacked on the 9th September. One hundred and twenty Hindus were killed and most of their ladies finding their honour at stake resorted to the old Rajputs practice of 'JOHAR' by burning themselves alive. The entire village was first looted and then burnt. It is estimated that gold and silver bullion worth three lacs fell into their hands. Thirteen girls were abducted and none of them had been traced so far inspite of our best efforts.

4. *Village Sehrin Diwan*

This village was attacked on the 7th September. 10 Hindus were killed. The loss of property is estimated at 2 lacs.

5. *Village Gangian*

On 7th September this village was attacked, 20 Hindus were killed and 2 were wounded. The rest embraced Islam.

6. *Village Mondka*

This village was surrounded by a mob on the 9th September, and the villagers were given the option to leave their houses at a short notice in bare clothes.

7. *Village Machiwali*

In this village 60 Hindus were killed and 30 were injured. Some of the ladies burnt themselves alive. The loss of property is estimated to be 3 lacs of rupees.

8. *Village Did-he-la*

This was one of the richest villages in the district. On 7th this village was also surrounded by a mob and 60 Hindus were killed. Property worth several lacs was looted, 20 girls belonging to respectable families were abducted who had not been traced so far. It is alleged that the abductors took some of the girls to Dera Ghazi Khan district.

9. *Village Monakpur*

In this village 18 Hindus were killed and 50 embraced Islam. Property worth several thousand was looted.

10. *Village Kharke*

12 Hindus were mercilessly butchered while on their way to Khan Garh. Their entire property was looted.

11. *Village Bhutapur*

This village is at a distance of one mile from the Rly. Station Muzaffargarh. A tonga carrying seven passengers was attacked near this village while on its way to M. Garh. Only one lady survived. She was first raped and then severely wounded. The Police did not take any notice of this attack and it is alleged that Ch. Sane Ullah Khan Sub Inspector was bribed Rs.1000/- and he did not investigate properly. This attack convinced the Hindus of the district that there was no proper government. A day after this occurrence the entire village was surrounded by a violent mob who ordered the inhabitants to quit the village and run for safety in bare clothes

12. *Village. Dhareen and Utra Sadillis*

In these villages the Rajput Mahtars were forced to embrace Islam.

Tehsil Kotala

The non-Muslim population of this tehsil suffered the most. In this tehsil there were several villages of Labana Sikhs who were plying their trade of matting and ropes from the time of Maharaja Ranjit Singh. All twenty villagers were attacked in this tehsil. The chief among them are as follows:-

1. *Village Sanewan*

This village is at a distance of 30 miles from M. Garh and 10 miles from the tehsil headquarters. In the last week of August, a Sikh while travelling in the train was forcibly dragged out from the compartment at the Sanewan Railway Station and was given a severe beating by the local *gundas* who deprived him of his Kirpan. He reported to the Police Post which was at a distance of 50 yards from the station. The police took no note of it, and, he proceeded to village Sanewan, which was at a distance of 3/4 miles from the station. The villagers attended to his injuries and gave him shelter for a night. At 10 PM. while he was asleep he was forcibly lifted by the local *badmashes* and murdered at a short distance from the village. The Sub Inspector I/C.P. Post did not take any action, whereupon the Panchayat of Sanewan deputed one Assa Nand Chawla to report the matter to the S.P. at Muzaffargarh. The S.P. was at first loth to take any action but on the request of the Minority Board registered a case and deputed an Inspector to investigate it. At this the Gundas got furious and they organised an attack to avenge themselves on the Night of 4th September, Lala Shiva Ditta, I.S.M. Sanewan who had handed over the charge and was awaiting evacuation was mercilessly murdered in his railway quarter. One Hindu Commission Agent was also killed and a porter was injured. The quarter of the deceased was adjacent to the Police Post. The

police registered a case but did not take any steps to arrest the culprits. Horrified at this gruesome murder the Hindu Panchayat of Sanewan sent several telegrams to the district authorities but no steps were taken to protect them. Emboldened by this, the rioters attacked the village of Sanewan in the early hours of the morning of the 7th September. 2 Constables who were posted to guard the village fired their rounds in the air. It is estimated that 70 Hindus were killed and property worth several lacs was looted. 12 girls were abducted but they were later on recovered through the efforts of the Minority Board. If the two police constables had been honest in the discharge of their duty, nothing would have happened.

2. *Kot Kiu*

On the 7th September, the rioters attacked the Sikh Village near the tehsil headquarters and killed 250 Labana Sikhs.

3. *Village Prashar Garbi*

100 Sikhs were killed by the rioters. The entire village was put to flames. Most of the Sikh girls were abducted.

4. *Mauza Chamjhary*

600 Labana Sikhs were killed and 100 Sikh women were abducted. The mob was led by one Sher Khan Gurmani. 13 wounded persons were brought to Kot Adu for treatment. The entire village was looted.

5. *Mauza Jalalkurai*

In this mauza about 600 Sikhs were murdered and 20 of their women folk were abducted. The loss is estimated to be at Rs.2,00,000.

6. *Village Gazi Ghat*

One A.S.I. was incharge of this police post at the Ghazi ghat. 4 persons were killed and the rest of the non-Muslims saved their lives by bribing the incharge of Police Post, who escorted them safely to village of the P. Post and were escorted safely to village Gujrat.

7. *Village Gujrat*

The inhabitants of this village numbering 800 were forcibly converted to Islam. One Hindu lady who was against this forcible conversion committed suicide by jumping from the roof of her house.

There were three Sikh villages near this village, of Gujrat. The Sub Inspector of Police station Mohmud Kot, Khan Faiz Ullah Khan and H.C. Mohd Vrif sent message to the inhabitants of these villages to surrender their arms in case they wanted to save their lives. These villagers fell a prey to their assurances and deposited their arms with them. Later on

they were attacked and mercilessly butchered. 1000 were killed and 100 girls were abducted. The entire village was burnt.

8. *Village Sadhari*

This village was attacked on the 6th September. 4 persons including the lambardar of the village were killed. The loss is estimated at Rs.30,000.00

Stray cases of stabbing were reported in other villages of the Tehsil as well, the non-Muslims inhabitants of the villages namely Dogar Kalasara, Daya Chokna, Mohmud Kot, Khossar, Tarpur, Johan Khan, Ara Sehar Khan Seratti and Sudh finding themselves helpless were forced to embrace Islam and thus saved their lives.

Tehsil Leiah

Leiah is at a distance of 70 mile from Muzaffargarh. The town had a population of ten thousand Hindus. They were very well-off as they had a flourishing business of handlooms and ivory. The town remained safe but most of the villages in the tehsil were affected. In this tehsil too, the Sikhs were the target of the Muslim fanatics. Almost all the villages in the tehsil were attacked and the non-Muslim inhabitants were forced to embrace Islam. The chief villages among them are as under:-

1. *Village Karor*

The A.S.M. of Koror Railway station L. Girdhari Lal was killed along with three other members of his family in his own quarter. Twenty five other Hindus were Killed at the Railway Station.

2. *Village Jaman Shah*

The Station Master of Jaman Shah was killed by a mob in his quarter and his two daughters were abducted who were later on recovered. 92 other Hindus were also killed.

3. *Doratta*

The Station Master of Doratta S. Sarnagat Singh was killed along with 8 other members of his family. The entire village embraced Islam.

4. *Nurawala and Sahowala*

These villages were attacked by a mob specially incited from the tribal area. 70 Hindus were killed, later on the Police picket saved the rest of the villagers.

5. *Village Bharian*

In this village 600 Sikhs were killed by the mob and 50 girls were abducted.

6. *Village Shahwala*

The whole village consisting of 1100 Sikhs was wiped out and 100 of their women folk were abducted.

7. *Village Jhakhar*

About 180 Sikhs were killed and 20 of them were injured.

8. *Village Dogri*

3 Hindus were killed the rest embraced Islam.

9. *village Kazi*

7 persons were killed the rest were forcibly converted.

Tehsil Alipur

In this tehsil the loss of life and property was comparatively less than in the rest of the district. This was mainly due to the timely posting of Sayd Nazir Alam Shah as D.I.G. Multan who made a hurried tour of the district and visited several Sikh villages in this tehsil. Under his orders the Sikhs were escorted from their villages to Alipur town. The following villages were affected by the riots.

1. *Mauza Sheikh Ali*

On the night of 9th and 10th September, this village which was mainly inhabited by Sikhs was attacked. 300 Sikhs were killed and the rest of the Sikhs embraced Islam.

2. *Chah Kotla Gaman*

50 Sikhs were killed in this village.

3. *Nabipur Dambar*

This village was attacked by a mob in which 50 persons were killed and the rest of the inhabitants were forced to embrace Islam.

4. *Binda Isaq and Faizpur*

Both these villages were attacked on the 6th September, 19 Sikhs were killed and the rest of the villagers numbering 300 embraced Islam.

5. *Bet Sial*

10 Sikhs were killed and the rest of the villagers were forcibly converted.

6. *Basti Kharora*

In this village 50 Sikhs were killed and the rest were forcibly converted.

Cases of stray assault also occurred in other parts of the tehsil and it is estimated that 400 Hindus and Sikhs were killed. The inhabitants of the following villages in this tehsil namely Mfr. Hazar, Variam, Phanwan, Sarkian Mojabshsh, Dharwala, Longawala, finding themselves unsafe and hopeless as against the rioters had no other alternative but to embrace Islam.

Relief Committee

The terror stricken villagers finding their presence unsafe in their villages began to pour into the M. Garh town. On the 7th September, about 150 widows and orphans of village Snawan reached M. Garh by the evening train. They first marched in procession to the Bungalow of the Deputy Commissioner and narrated their tales of sufferings. The D.C. was annoyed as to why they had come to him direct and ordered them to vacate his bungalow. The whole town was moved by the atrocities committed on them and also the cold reception given to them by the authorities. A relief committees was set up with myself as the President. They were all accommodated in the Arya Smaj Mandir. Medical aid was rendered to the wounded and the serious cases were admitted in the Civil Hospital. A batch of youngmen was deputed to look after them. Public subscription was raised and free kitchens were started for feeding the refugees. In course of time the influx of the refugees became so great that 30 to 50 mds of flour was used daily for about two months. It goes to the credit of the inhabitants of the town that all of them shared the responsibilities with a smiling face and readily accommodated the refugees in their own houses. The relief work continued till the mass evacuation was over.

Clearance of smaller pockets

The Minority Board was confronted with the task of the evacuation of the non-Muslims from smaller pockets to bigger centres. There was no paucity of fund but no transport was available as all the vehicles, public and private, had been requisitioned by the Government. The case of the inhabitants of the village Kinjhar needed immediate attention as the whole village was burnt down and the inhabitants were putting up in the compound of the police station. The Sub-Inspector Kinjhar Police Station was also depriving them of their valuables day by day. The Minority Board made repeated requests for their evacuation and ultimately the authorities agreed to provide police guard in case the inhabitants paid for their evacuation. Ch. Bashmir Ahmed, Magistrate. 1st Class and Khan Sana-Ullah Khan, D.S.P were deputed to evacuate them from Kinjhar to Khan Garh. The M. Board entrusted this task to me. I secured permits for ten truck and evacuated three thousand villagers with safety to Khan Garh. They had lost most of their movables.

Similarly non-Muslims confined in small pockets were evacuated to places of safety on *tongas*, camels and on foot under police escort. Sheikh Riazul-Haq, A.D.M. was incharge of the evacuation. Being himself a refugee he had no sympathy with the non-Muslims. The Mahtama rajputs of the district numbering ten thousand who had been forcibly converted sent several messages to the Minority Board to evacuate them from their respective villages to safe places. But due to lack of transport their evacuation was considerably delayed. The local Zamindars and the Muslim police were against their evacuation and they gave them all sorts of temptations but in vain. The Government was last to provide any transport. The M. Board decided to evacuate them on foot by camels. Ultimately I evacuated them from their villages to Khan Garh Town. The local Zamindar did not allow them to bring their cattle or food grains with them. Though poor Rajputs stood firm and the Convoy came on foot.

Police Searches

After the hurricane tour of the D.I.G. Multan Syed Nazar Alam Shah it had become possible for non-Muslims to undertake journey by Bus or by train under police escort which was rarely available. Even when a escort was provided the passengers were subjected to search and deprived off their cash and jewellery. The M. Board moved the authorities several times and sent a written representation on 25.9.47, citing the cases in which the non-Muslim passengers who were deprived of their cash and ornaments. A notable case is one of the Chowdhri Sewa Ram Batra, a Rais of Rohillan Wali Police Station, tehsil M. Garh. while going to Multan accompanied by his relative Dr. Madan Lal, he was searched at the Chenab Brigde by Ghulam Hadar. A.S.I. Police who seized his cash and valuables and registered a false case under section 411 I.P.C. Chowdhri Sewa Ram was however, released on bail but nobody stood surety for Dr. Madan Lal. In December, when the mass evacuation was over and the D.L.O. proceeded on leave. Ch. Sewa Ram's presence was considered unsafe and he was again sent to jail. I interviewed him twice in the Multan Central jail. He was then suffering from acute urine trouble and was very much pulled down. A week ago I interviewed him again and was sorry to know that he was still suffering from the urine trouble.

Mass Evacuation

The district authorities did not make any arrangement for the mass evacuation of the refugees from Tehsil head-quarters to district Headquarters. No camp was started for them nor any interest was shown to relieve their sufferings. All the expenses were met by voluntary contribution. Being disappointed at the step-motherly treatment of the local authorities, the M. Board sent Pt. Shiv Dat Ranga, a congress leader, to Delhi to request the authorities to make satisfactory arrangements for the mass evacuation of the District M. Garh. Ch. Hargobind was appointed as D.L.O. and the reached M. Garh in the 2nd week of October. A day or two later Rai Bahadur Nathuram the then C.L.O. visited M. Garh. A deputation of the District Minorities Board waited upon him and at their request he appointed L. Radha Kishan Sub-Judge 1st class as Senior District Liaison Officer. L. Radha Kishan sought the permission of the High Court which was not received by the 24th October.

He then left by the first train as his wife had given birth to a child and she was not keeping good health. The first train arrived on the evening of the 23rd October, permits were issued by the A.D.M. who gave preference to Government servants. The A.D.M. had warned the public that permits will be issued to those who will abide by his order by taking one trunk and one bedding per family. Thus the refugees left behind a good deal of their luggage in order to secure permit for the first train. This system of permit did not work well and so it was given up.

The MAHAR Regiment took over charge of evacuation on the morning of 24th October. The train arrived at the platform at 9.30 A.M. and the railway authorities gave only half an hour to load it. In this hustle and bustle good many of the refugees lost their luggage as they were not allowed to bring their luggage near the platform before 9 A.M. The Railway authorities spared no pains in putting obstacles in the peaceful evacuation of the non-Muslims. They deliberately put out of order the water pump at the platform. Refugees had thus to draw their water from long distances.

The next train left on the 25th October and the 3rd three days later. The refugees tied their luggage on the roofs of the 3rd and the 4th train, which was lost at the crossing of the Chenab bridge. Efforts were made by the Minority Board to take possession of such luggage from the custody of the police who brought it to Muzaffargarh but the authorities did not agree. The trains did not arrive as per scheduled programme and thus the refugees had to undergo a great hardship by waiting at the platform with their luggage for days together. No foot convoy could be arranged as it was considered unsafe by the Military to undertake such a risk as the distance was pretty long. The non-Muslim refugees of the D.G. Khan district also boarded trains from Muzaffargarh as it was the nearest Railway Station to them. This mass evacuation continued till the first week of December, 47.

Transit Camp

The Mahar Regiment made arrangement for the protection of the transit camp near the Railway Station. The M. Board approached the District Authorities for the maintenance of the camp but they refused to listen. The refugees had to wait for days in the open as the trains did not arrive in time. The refugees from D.G. Khan also began to put into the transit camp. On the 28th October Her Excellency Lady Mountbatten and Miss Miridulla Sarabhai visited Muzaffargarh. The District authorities did not permit the deputation of the Minorities Board or of the relief committee to interview them. Rai Sahib Lok Nath, President Municipal Committee informed the state of affairs of the district. They were surprised to learn that the authorities had given them a totally different version. At their request the authorities summoned Dr. Kanhya Lal, President Congress Committee and Mr. Prem Kumar, Secretary, Relief Committee. Dr. Kanhya Lal requested them to pay a visit to the transit camp near the railway station in order that they would see things for themselves. At the request of the Congress President, both of the distinguished visitors paid a visit to the Transit Camp and were surprised to note that no arrangement was made by the authorities for medical aid or for sanitation, whereas the authorities had told them that the arrangements had already been made. Her Excellency promised that a medical mission will be shortly sent to Muzaffargarh for the transit camp.

By the 31st October, the inhabitants of the Muzaffargarh town excepting myself had

left and their houses were occupied by refugees from mofussili. Sheikh Riaz-ul-Haq ordered the occupants to vacate the town by the 5th November, 1947, failing which he told them that the authorities would not be responsible for their protection and safety. This threat had the desired effect and the whole town was vacated before the 5th November, 1947.

About five thousand refugees took shelter near the Kharkhana Bazar near the Railway Station. On the 3rd November, 1947, an armed dacoity occurred in the said bazar in which four persons were injured and property worth Rs.10,000 was looted. The Pak Police was on duty and the scene was near the Police Post. The Police did not take any steps to trace the culprits.

On the 5th November, 1947, one Jani Ram an opium-seller who was residing in his shop on the main road near the post office was murdered in the early hours of the morning. This shook the confidence of the minorities in the Pak Government officials. After this murder Sheikh Riaz-ul-Haq A.D.M. advised the refugees residing in Karkhana Bazar to vacate it at once for the Muslim refugees who had begun to arrive in large number. A deputation of relief committee met Mr. Dizny D.C. who agreed with the proposal of the A.D.M. to vacate the said *bazar*, but extended the date to 16th November, 1947.

The authorities did not provide any free ration to the refugees. Later on some depots were opened from where the refugees could purchase their ration. There was no arrangement for drinking water. The authorities paid deaf ears to their request for such arrangement. At one time a Muslim owner of a well charged one anna for drawing a pitcher of water from his well. To overcome this difficulty, the relief committee agreed to pay Rs. 20 - daily to the owner of the well who in return promised to work his well from 7.00 A.M. to 7.00 P.M. daily. Thus the poor heaved a sigh of relief. By the 16th November, 1947, the whole of the Karkhana Bazar was vacated and occupied by the Muslim refugees. The refugees had to pass through this bazar while going to the town to bring their necessities of life. They are often attacked by the Muslim refugees and deprived of their cash. Virtually it had become impossible for non-Muslims to pass through the said bazar without military escort. At one time the number of refugees in the transit camp swelled to 30,000. Occasionally showers of rain added to their difficulties. Rain and chill took a heavy toll of life, particularly children.

On the 19th November, 47, non-Muslim refugees who had gone to the town to purchase their ration were stabbed near the post office on the railway road. The Relief workers immediately removed them to the transit camp where their wounds were dressed. Luckily they survived and were sent by the next available train to East Punjab.

In the first week of November, 47, some missionary doctors took charge of the transit camp and rendered medical aid to the refugees particularly the labour cases. Compartments were reserved for the pregnant ladies and the sick who were sent under the charge of trained nurses.

On the 25th November, 1947, a mob of Muslim refugees surrounded a house in which some non-Muslim refugees, awaiting evacuation, were putting up with a Muslim friend. One man was killed and property worth several thousand was looted. The Police reached the place of occurrence and controlled the situation.

The refugees in the transit camp were faced again with the problem of drinking water, as the existing arrangements were insufficient to meet their requirements. The relief committee got fixed three hand water pumps in the transit camp. The water pump on the railway platform was also got repaired in order to enable the refugees to keep water with

them while boarding the train.

Recovery of abducted women

A large number of non-Muslim women were abducted during the disturbances. The victims were mostly Sikh women. After the storm was over, the M. Board took up the work through the assistance of the local Zamindars. Through its efforts 12 girls of village Sanawan who were abducted on the 7th September, were recovered. The M. Board helped the Sikh guides in recovering their women folk from the Muslims of *Ilaqa*. Informers were sometimes paid and the relatives of the abducted women were sent with escort. This process continued till the appointment of the District Liaison Officer as afterwards the authorities refused to pay any heed to the representation of the M. Board. The M. Board requested the D.L.O. to lend his truck for the recovery of abducted women but he turned down their request on the ground that the work of recovery would be taken up after the mass evacuation was over. Thus all themselves of the M. Board left one after another entrusting the work to the relief workers.

The mass evacuation was completed by the first week of December. The D.L.O. proceeded on leave and returned by the 2nd week of February, 1948. During his absence the police recovered abducted girls and handed them over to the Lady Social Worker who was in charge of this work. The work of recovery was however slowed down by the middle of March. It is estimated that some 300 girls were recovered by the Police by the end of March, 48. Most of the recovered girls belonged to the poor Sikh families. For the rest no trace had so far been alleged by the Police that they were all killed after the disturbances by the abductors who apprehended arrest had no other alternative but to kill them. When I took over charge as a District Liaison Officer on the 2nd June, 1948, I had every hope that I would be successful in tracing out most of the unfortunates abducted girls. But in this I did not succeed. I had been a Platoon Commander of a Civic Guard from 1940 to 1947, and commanded considerable influence in the Police circle. When I accused one of my associate for the indifferent treatment meted out to me in the recovery of abducted women, he openly told me that the work of recovery had slowed down not because I was appointed as D.L.O. but because of the change that had taken place in the Policy of the West Punjab Government. Police officials openly remarked that whereas the East Punjab Police was not cooperating with the Liaison Officers of the West Punjab Government how could they expect any cooperation from them. When I took over the charge L. Kahan Das Sub Inspector, East Punjab and Shrimati Radhka Rani, Lady Social Worker were already there in connection with the work of recovery. The local Police placed the restriction on my movements. I was not allowed to visit any village or meet any convert unless I had obtained the permission of the Inspector abducted staff. Sheikh Mohld Sharif Inspector I/C wanted me to furnish before hand the names of the villages which I intended to visit. In most of the cases he used to send his orderly ahead of us ostensibly with a view to make arrangements for our transport but really with an intention to inform the abductors of our visit. I approached Mr. Dizney, D.C. but he was helpless.

On the 8th June, 1948, I got a clue about one Sikh abducted woman who was in possession of a Muslim in village Kinjar. I accompanied by the Inspector and the S.I. L. Kahan Dass proceeded to Kinjar and recovered the woman. One Gullan convert was also

recovered. Gullan had been moving from village to village after embracing Islam and was thus in a position to furnish definite clues of the abducted women. It was only on his information that I succeeded in recovering 2 Sikh abducted women. Sh. Mohd Sharif was so much annoyed at the presence of Gullan that he in my absence threatened to kill him in case he prolonged his stay in the camp. The truck of my tyre burst on the 11th June, 1948, near village Sanewan and thus no further tour could be arranged after that date. Thus I could not move out till another transport was supplied to me on the 1st of July, 1948. Sheikh Mohd Sharif as I have already stated tried his level best to stand in the way of the recovery of the abducted women. The following incidence shows his bad intention:-

On the 3rd July, 1948, L. Jhangi Ram, S.I. Multan visited Muzaffargarh camp with one Topan Das guide who had definite clues about his two missing ladies in village Bosan in Alipur Tehsil. I accompanied by L. Jhangi Ram, L. Kahan Dass, Sheikh Mohd Sharif and Topan Das Guide left for village Bosan on the 4th July, 48, at 5 A.M. when we reached Khairpur village after covering 60 miles the Inspector refused to proceed further on the ground that the intended village was surrounded by water it was useless to visit the village. He summoned the Zaildar of the Ilqa who assured the party that the abducted women were not there and that the party will be put to a lot of inconvenience as the said village was surrounded by water. In vain we all entreated him to proceed. We then returned to Muzaffargarh. On our return journey I asked the Inspector to allow me to visit village Kachh - Pak where I had information about some abducted women, but he turned down my request on the ground that no boat was available to visit the village on the other side of the River Chenab. We returned disappointed by the Inspector. On this the Inspector Mohd Sharif got hot when I charged him for having wasted my petrol for nothing while visiting Bosan. The S.P. granted my request and I recovered 3 abducted women and 2 girls. This was the first time when I was allowed to go alone.

The Lady Social Worker left the camp before the 15th of June, 1948, L. Kahan Dass being disgusted with the cooperation given to him by the local police also left the district on 20th July, 1948, Floods over took the district. Thus it became impossible for me to visit the places as the roads were under 4 to 9 feet of water. On the 18th August, 1948 I applied to the Executive Engineer Canals to permit me to use the canal banks and Bunds but he rejected my application to use these Banks, as the ground had become very soft. During this period I divided the villages which were not far off from Muzaffargarh. I several times requested the Inspector to visit the villages under water on camels' back but he refused. Even my prayers to the S.P. to permit me to visit the village on foot with police escort and guides are not granted. Further I was not provided with any facilities of transport while visiting the villages to meet converts. In Leiah Teh. one day I had to cover six miles on foot and made to walk through waters at several places. Another day I had to cover 12 miles of sandy tract on foot as the police did not make arrangements for my transport.

There are still 500 converts and 400 abducted women left in the districts. It is difficult to evacuate or recover them unless the local authorities cooperate with the Liaison Officer. The clues of 10 abducted women are given in appendix affected with a report.

Places of Worship

During my stay of 3 months in the district I had an occasion to see the religious places

of worship in the town and in villages. All such places are being used as residential quarters by the Muslim refugees. Even at the headquarters of the district the Hanuman Mandir situated in the Chowk had been razed to the ground and the platform was being used by a refugee who was roasting Kababs, where thousands of non-Muslims used to bow their heads in reverence while passing through it. Again at the Arya Samaj Mandir I was shocked to see that Yug Shala had been converted and beef was being roasted there. The Shivala of Lachhu Lal was being used as Latrines. It is significant to note that the said Shivala is near the police line and opposite the quarter of Inspector of Police. The Dharamshala of the cremation grounds was being used as a shed for donkeys. If no sanctity attached to our places of worship at the head quarters of the district, one can very well imagine their fate in the tehsils. I found the entire wooden structures of the Gurdwara at Hyderabad removed. The same was the condition of Dharamshala Puran Dass at Leiah. The Gopal Ji Mandir of village Kinjar which was burnt down during the disturbances was at present being used as Latrine by the refugees residing in the neighbourhood. One can well imagine the sanctity that is being attached to our places of worship by the West Punjab Government.

APPENDIX NO.1

Name of the Officers in the District of Muzaffargarh. 1st March 1947, to 31st March, 1948.

Deputy Commissioner

- | | | |
|-----|--------------------------|------------------------------|
| i. | Raja Sultan Lal Hussain. | 1st March 47 to 20.8.47. |
| ii | Syed Ijaz Hussain. | 20th Aug. 47 to 13.11.47. |
| iii | Mr. Disney. | 13th Nov. 47 to present day. |

Superintendent of Police

- | | | |
|------|---------------------------|----------------------------------|
| i. | Shri Ranbir Singh Chadha. | 1st March to July, 1947. |
| ii. | K.B. Raja Ali Khan. | July 47 to January 1948. |
| iii. | Aga Sadat Ali Khan. | February 48 to the present date. |

Deputy Superintendent of Police.

- | | | |
|------|-----------------------|--------------------------|
| i. | Khan Sana Ullah Khan. | 1st March 47 to 31.3.48. |
| ii. | Mian Mohd Yaqub. | 1st April, 48 to date. |
| iii. | Aga Mazhar Ali Azar. | July 47, to date. |

A.D.M.

- | | | |
|----|--------------------|--------------------------|
| 1. | Misra Dwarka Nath. | 1st March 47 to 8.8.47. |
| 2. | Shri Riaz-ul-Haq. | 8.8.47 to January 48. |
| 3. | Abdul Hadi Khan. | 1st February 48 to date. |

General Assistant.

- | | | |
|----|-------------------------|--------------------------------|
| 1. | Ch. Bashir Ahmad Tarar. | 1st March 47 to 31st March 48. |
|----|-------------------------|--------------------------------|

Magistrate 1st Class.

- | | | |
|--|--------------------|------------------------------|
| | Mian Abdul Sattar. | 1st March to 31st March, 48. |
|--|--------------------|------------------------------|

S.H.O. Saddar.

1. Ch. Sanna Ullah Khan. 1st March 47 to 31st March 48.

D.I.G. Multan.

i. Syed Nazar Alam Shah 1.9.47 to 31.3.48.

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Report of Work in Mianwali District

L.A.R. File No. LIC/7

The district of Mianwali consists of three Tehsils viz. Mianwali, Isa Khel and Bhakkar. It can be divided into units; one comprising Mianwali and Isa Khel and the other of Bhakkar. The first unit adjoins Frontier districts like Bannu and Kohat and was infested with wild Pathans, while the other consists of Kacha and Thal. The Kacha adjoins the district of D.I. Khan on the other side of the Indus and the tribal Pathans have an easy access to Bhakkar during September and winter months, whereas the Thal lies in the extreme interior where no relief or rescue party could reach easily for want of communications because there were bad roads rather no roads at all. Such was the geographical position of the district.

Population in pre-partition days was about 4 lacs out of which about 70 thousand were non-Muslims. The Hindus and Sikhs in the district being in microscopic minority.

January to March 1947

With the formation of Khizer Ministry as a result of General election, much against the deeply cherished hopes of the Muslim League, the mischievous element began to work secretly. With the out-break of riots in March, 1947, the illiterate Muslims, who dare not to raise their little finger before, were heard crying openly anti-communal slogans due to the propaganda of the Muslim League in the district. It was due to the wise administration and peaceful policy of Khan Bahadur Ghulam Hassain, Leghari, Deputy Commissioner of the district that he kept the rowdy Pathan element under check. One glaring instance in support thereof is quoted below:-

A mob of 15 to 20 thousands strong consisting of tribal as well as local Pathans collected together in the vicinity of the town of Mianwali in the third week of April, with a view to plunder and massacre the Hindus and Sikhs. Mr. Leghari took courage in both hands and faced boldly the furious mob and by his sheer boldness, sagacity and tact he succeeded in dispersing the mob, thus saved the district from a catastrophe, though for the time being. Later on 15th August, 1947, Mr. Leghari was transferred to Sargodha and Khan Said Zaman Khan, the most notorious character, took over charge of the district, as he proved to be the chief cause of the ruin of the population of the non-Muslims of the district. From the beginning of August, 47, the non-Muslims had begun to feel panic stricken. On the 3rd of August, a wealthy trader Khirbhat family of Bhakkar went to the Railway Station and

wanted to go away. But certain peace loving Muslims went to the platform and took oaths by the Holy Quran and promised to give them all protection and brought them back to the city. By the 15th August, the situation began to deteriorate on account of false propaganda and spreading of false rumours by the Muslim National Guards and readers of Muslim vernacular Dailies. Towards the end of August, the Muslim Goondas made it unsafe for the non-Muslim passengers to travel by the trains; as they molested a few Hindu ladies and threw men-folk out of the train.

No Military was posted at Bhakkar proper. There were some Sikhs and Baluchies stationed at Darya Khan and some of them used to visit Bhakkar occasionally - On the 1st September, 1947, rumours spread in the town that there was going to be a raid by the Muslims. Khan Mohd Hayat Khan, A.D.M. Mianwali was holding charge of S.D.O. Bhakkar in addition to his own duties. On 2nd September, he was relieved by Qazi Rahmat Ullah from Gurdaspur. An Inspector of Police also from the East Punjab was recently posted at Bhakkar. On the afternoon of 2nd September, the Muslim Zamindars went to pay their respects to the newly arrived S.D.O. and some of the leading Hindus of the town were also there. In the presence of all these persons, the S.D.O. was openly saying that he was simply astonished to find that so far nothing had taken place at Bhakkar while in Gurdaspur district the Sikhs had raped and abducted Muslim girls and murdered and looted innumerable innocent Muslims. He also narrated to them that the train by which he was travelling was attacked several times in the way by the Sikhs and he and his family had a narrow escape by the mercy of the Great Allah.

Muslims from the rural areas around Bhakkar had gathered in large numbers on the evening of 2nd September for looting the town. But as information arrived that the Deputy Commissioner was coming by the Dionel Car and the A.D.M. also postponed his departure on that day, the Zamindars who had invited all those raiders instructed them to delay till the departure of the Deputy Commissioner and A.D.M. On 3rd September, immediately after the departure of the 3 P.M. train for Mianwali, there was a beat of the drum and cries of All-o-Akbar and the mob which was 2 to 3 thousand strong passed in front of the city Police Station without any resistance from the Police and on entering the bazar set fire to a few shops and looted the others. They were mostly composed of unarmed men and avoided the localities from where the Hindu License holders were firing. They had reached the middle of the bazar when the military arrived from Darya Khan which is 12 miles to the North of Bhakkar, under a Sikh V.C.O. and on their firing the mob in the bazar dispersed. Second section of the mob which was collected by Abdul Karim Zaildar of Bhakkar in his Mohalla, which was situated just on the bank of river, began looting and setting fire to residential houses. The looters had wheat and grams from that locality on the camel's back with the aid of Zaildar whose brother Atta Mohd was firing and scaring the Hindus away.

From that day the Military under that Sikh V.C.O. began to stay at Bhakkar and they helped a lot in evacuating the non-Muslims from small villages.

The real thing which led to all this trouble at Bhakkar as well as all the villages of that Tehsil was this that on the 1st of September 1947, a letter was received by S.D.O. Tehsil, Bhakkar from D.C. Mianwali which purported to be from the West Punjab Government. It was stated that non-Muslims from Bhakkar Tehsil were to be compulsorily evacuated by trucks to Jhang and that the evacuation by trucks was to start on the 4th and end on the 8th. The contents of this letter were widely circulated by Patwaries police officers, Cooperative

people and others. The non-Muslims in the villages began to make preparations and dug out their ornament and cash. As they found no arrangements by the authorities to take them out to Bhakkar they were told by the agents of big Zamindars to hasten to Bhakkar, where from evacuation would start on the 4th. Fearing lest they should be left behind, they made all preparations, The Muslims who had been instigated by false rumours about East Punjab thinking that their Hindu neighbours were bound to go away for ever, laid aside the considerations of neighbourhood which till now had stood in their way and simultaneously rose and began to plunder, murder and abducted young girls and woman.

The name of Afzal Khan Dhandla needs special mention here. Afzal khan Dhandla is a big Zamindar in Mouze Behal in Bhakkar Tehsil. He is a Sub Registrar and also president Muslim League at Bhakkar. He wields a vast influence and unquestionable authority, over his tenants in his *Zaildari*. He played the part of a villain in the whole tragedy from the beginning to the end. While narrating the tragedy that the people of Tehsil Bhakkar and particularly of Mouze Behal met at the hands of this villain, to the Chief Secretary during his visit to Lahore in May, 1948. I described Afzal Khan Dhan as the biggest rogue that was ever born on the surface of this earth. Dhandla organised plunder, arson and massacre so methodically that hardly family worth the name escaped his target and he carried abduction of the innocent fair sex so systematically that not a single virgin and young and grown up girl and women could escape the clutches of his lusty followers who were no less reckless callous than their most notorious leaders.

Village Dehal, 3rd and 4th September, 1947

It is a railway station 15 miles to the south of Bhakkar. The inhabitants of this big Mouza were mostly traders and the majority of them were wealthy merchants. Afzal Khan Dhandla mentioned above accompanied by Sultan Khan, Inspector of Cooperative Society, Inspector Police and Naib Tehsildar Nazir Ahmad went to Dehal on the evening of 3rd September, and by the beat of drum got the leading Hindu merchants and land lord of the village collected at one place. He advised them to hand over all the stocks of wheat, grams and other grains against receipts duly attested by the Naib Tehsildar, to the Inspector Cooperative Society and assured them that they would get the value of their stocks by S.D.O. Bhakkar. By this trick Afzal Khan deprived them of their stocks which valued at about Rs.10 Lacs. Then the Hindu population was asked to take with them their cash and jewellery and one trunk and one bedding per family and get ready for the Railway Station where a special train was arranged to carry them to Bhakkar. When the Hindus were ready to start for the station with their valuables they were told to wait until the following morning when the special would arrive. In the night after 11'O clock mob of 1 to2 thousand Muslims fully armed with all sorts of weapons, which had already assembled there, attacked the Hindus and killed and looted them. 210 young girls and women were abducted in the course of the night and not a single girl who was either a virgin or grown up escaped th vigilant eyes of the Goondas. On the morning of 4th September, they were escorted to the Railway Station by villain, Dhandla who got their persons searched and deprived them of their cash Jewellery. At the railway station they were much harassed and humiliated and women folk were insulted and a few of them were raped as well. Thus entertained and brought to Bhakkar. 150 Hindus were killed and an equal number were wounded in this catastrophe.

Notak is another village and railway station situated half way between Bhakkar and Dehal. On the 4th of September, this village also met a similar fate at the hands of the Muslim raiders under the guidance of Dhandla. 50 Hindus were killed and 70 were wounded. 50 girls and women were abducted and distributed as a reward among the Gundas. The financial loss sustained by the Hindu population of the villages of Dehal and Notak alone was estimated at about Rs. one Crore. The whole thing was done with such strict secrecy that the military which had reached Bhakkar in the afternoon of 3rd September did not have any knowledge of these attacks and therefore military did not come there, for their rescue.

On the 10th September in the day time a mob was seen assembling in the date trees clusters by the stream bank at Bhakkar. The raiders amongst whom there were persons from D.I. Khan district were armed with rifles. But Gurkha Military arrived and started firing and inflicted heavy losses on the raiders who retired leaving behind many dead companions. Meanwhile Hindus from rural areas in the tehsil had been collected at Bhakkar and a refugee camp was set up there in the Girl School Building. The town people were ordered to bear all the expenses of all the refugees in the camp. Things went on alright though the shops remained closed and people were terrified by Muslims by occasional stabbing and arson.

All the villages in the rural area in Bhakkar Tehsil were affected without any exception. The names of some of the well known villages; are Chinna, Razai Shah, Mullan wali, Kirari, Kot, Sola Kanari, Basti Bhilmana, Basti Panjab Dogar, Shahpur Laskani, Kotla Jam, Darya Khan, Hussain Shah, Panj Girain, Khuaswar Kalan, Ahmed Shah Wala, Manjan Dogar, Shah alam, Maibal, Kalur Kot, Shah Lachhmanwala, Rodi, Behari, Shahidan, Delhi Namdar, Gulaman, Nawan Jandanwala, Chah Khansar, Ganwarwala, Kapai, Bulewala, Manera, Hyderabad.

All these Hindus whose lives were spared were forcibly converted to Islam, so to say there was in a way conversion on a large scale.

Village Sola Kanari needs special mention. This village lies on the bank of the River Indus, 8 miles from Bhakkar proper in the area known as Bet. There lived about hundred Labana Sikhs. About half of them were butchered mercilessly and the remaining were converted to Islam. They were asked to tear Shri Guru Granth Sahib into pieces, spit at them and trample them under their feet. Those who refused were immediately put to death.

On the 23rd September arrived the Muslim section of 1/16 Punjab Regiment and took charge of protection of the city. On the very first night, six refugee girls in the camp were raped by sentinels on duty. There was a great agitation and the girls statements were recorded. On the morning of 25th September the refugee camp was removed to a locality which was a mile from the town. There the girls' relatives were threatened by the military with the result that the girls were forced to make some haphazard statements and no action was taken against the culprits. These military men were notorious for misbehaviour and putting hardships towards refugees and Bhakkar people and they did not spare their rod which was in constant use. Even Government officials like L. Jagan Nath Tehsildar and respectable people and leading advocates like Shri Tirlok Chand Manocha and Shri Nihal Chand Grover were beaten with canes because they raised voice against the highhandedness of the military.

Captain Ajai Khan, Incharge of 1/16 Regt. demanded a Radio Set, Gramophone Tripods and Rugs from the towns people through Ch. Niamat Rai and Ch. Jetha Nand and all were supplied besides the demands of the Subedars and Jamadars, Cash payments were

demanded and the people had no other alternative but to meet them. The Military occupied big houses all around the city and built *morchas*. They also kept studying the *morchas* of the Hindu license holders. On the 8th October suddenly at 4.45 p.m. firing started but there was no raid by a regular mob, though a few Muslims had collected here and there in groups outside the city wall. The Military people were heard asking them to enter the city and loot while they themselves fired on Hindus who came within their view on house tops, This thing went on the whole day and the next night. Several houses were attacked including the house of the Tehsildar Lala Jagan Nath and the hospital wherein all the injured refugees and Hindu patients were murdered mercilessly. The total loss of life, most of which was due to military firing exceeded 350. About sixty girls were abducted and several houses were set on fire. On the morning of the 9th the people in the town realised that military people were firing on them, so all of them left their houses leaving every thing behind for the *marcha* of Sh. Jetha Nand, Honorary Magistrate who was considered to be a favourite of the Military Officer. Hardly had the people collected there when the military arrived and ordered them to vacate the town as ten thousand Afridia were coming and there was a great danger. They took possession of all the licensed guns and compelled all the citizens to leave without taking any thing with them. After the departure of the people, the Police and Military began looting the town and murdered all who stayed behind for carrying some luggage and one of these was Dewan Charan Chand, Retired Magistrate, Ist Class. The next day some people were told that they could go back to their houses and bring their cash and ornaments that lay buried. On their way back the Military relieved them of everything.

On the 10th October, they were evacuated by trains to Mianwali. On their way the 1/16 Punjab escort collected Rs.5/- almost per family in train. Thus 90% of the Hindu refugees from Bhakkar refugee camp and proper town numbering about 16,000 were forced to leave their hearths and homes in three clothes only. My own daughter and her parent-in-laws and my own family also met the same fate and left Bhakkar in three clothes that they were wearing at the moment. Rather I found my niece without any head-dress even when I met her in refugee camp at Mianwali as a Liaison Officer on the 19th October, and there were hundreds other similar cases as well. The Subedar 1/16, Punjab Regt. further fleeced the poor suppressed and oppressed Hindu refugees under threat of a raid by the Trans-border people on the refugee camp at Mianwali and they took Rs.3000 more on the night preceding the arrival of the Hindu Section of 2/2 Punjab Regiment under the command of Captain K.L. Suri and taking over charge of the company from them on the 12th October, 1947.

Darya Khan 4th and 5th October, 1947

It is an important railway station situated between Bhakkar and Mianwali at a distance of 12 to the North of Bhakkar. It connects the famous trading town of D.I. Khan which is on the other side of the Indus. A refugee camp was opened here also. The Hindu refugees from neighbouring villages found shelter in the camp. Every night the Muslim section of 1/16 Punjab Regiment raped young girls and women in the refugee camp. Ultimately there was an attack on the camp by the Military on the night of 4th October, 47. There were murders loot and abduction. On the 5th, the refugees were carried to Mianwali camp by train. The number of killed exceeded 175 and wounded 100 and more than 100 girls and women were abducted. A rifle belonging to Ch. Jai Dayal son of Shri Jetha Nand Juneja was snatched

by the Military and a receipt taken by force by the S.I. Police Mianwali in the name of Sahrif Ali son of Rehmat Ali Nambardar.

The following figures which were gathered from various reliable sources and arrived at after leaving due margin for the natural human weakness of making exaggerations may be taken as approximately correct and they will throw flood of light on the enormity of ruin:

Killed	Wounded	Converted	Abducted
1500	500	2000	600
Loss of property over 2 crores.			

N.B. I will deal with the recovery of abducted girls and women and evacuation of pockets in the whole district at the end separately after I have finished with the remaining two Tehsils of Mianwali and Isa Khel.

Miawali Tehsil

During the 1st week of September, 1947, most systematic, methodical and organised attacks on all the small villages and Mouzas began. There were arson, loot, murders abductions all over. The lust for loot and women was too strong and tempting for the Muslims to care for any cannons of the Holy Quran. The villages affected were Kundian, Cluwali, Ding, Khola, Jahl, Wan-Bhach-Ram, Moch, Rokhri, Pai Khel, Daud Khel, Musa Khel, Rikhi, Kalri, Naumal, Thamanwali, Nawan, Chakrala, Pir Pahai, Bani Afgan . . . the last eight are situated at the foot of the mountains. Those of the non-Muslims who escaped were forcibly converted to Islam. Out of the Hindu population of village Aluwali numbering about 400, only two escaped and all the rest were wiped out.

Village Piplan and Harnoli: Piplan is a Railway and Police Station and V/Harnoli is 10 miles from the V/Piplan in the interior and Piplan is the nearest Rly. Station to V/Harnoli. These were two important villages. The Hindus of both these towns were very wealthy and big traders. On the 5th September Mir Abdullah Khan M.L.A. and Zaildar Piplan called the leading Hindus of the town and assured them of their safety and persuaded them to surrender their arms and ammunition which the licence holders refused. On the night a Muslim mob attacked and the Hindus from their *morchas* returned fire for 4 hours and killed many of the raiders who fled away. Next day Mir. Abdullah Khan went to the *morchas* with the Quran in his hand and took an oath that if Hindus handed over their arms etc. he would give them a safe escort to Rly. Station where a special train was expected in the afternoon to evacuate them to Mianwali camp. They believed in him and surrendered their arms and came out of their *morchas*. They were asked to be ready with their bag and baggage. They were made to march with loads on their heads and brought to the Railway platform. Two bogies and engine were seen standing near the outer signal. It was nearly dark when the engine brought the two bogies at the platform.

Mir Abdullah Khan whistled and about 1000 men fully armed with all sorts of weapons who were lying in the ambush came out and began to loot and murder. They raped several girls in the presence of their parents and husbands on the spot and abducted hundreds of them.

Harnoli

The richest *mandi* in the district which has no railway station and is situated at a distance of 10 miles from Rly. Station - Piplan, was attacked twice towards the 3rd week of September, but the Muslim mob was repulsed with heavy casualties by the Hindus who were very brave. There was a third attack this time organised and managed by Muslim (1/16 Punjab Regiment) and tanks were brought there because it was not an easy job to overpower the brave population of Harnoli. More than half the population (being 6000 men and women and children) were massacred and burnt alive. Children were snatched away from their mothers' arms and thrown into the boiling oil. Hundreds of women saved their honour by jumping into wells or throwing themselves into burning houses, thus burnt themselves alive. Girls of 8 to 10 years of age were raped in presence of their parents and then put to death mercilessly. The breasts of women were cut and they were made to walk all naked in rows of five in the bazars of Harnoli. About 800 girls and women were abducted and small kiddies were wandering without a cover in the jungles and were kidnapped by the passers by. The infants are found crying and lying in the way. Countless infants and small children of Harnoli were recovered by me during my recovery campaign which I shall narrate later on at its proper place. The havoc brought in the village is unparalleled and baffles all description.

Mianwali

On the night of the 20th September, 1947, under the very nose of the Deputy Commissioner, Sr. Said Raman Khan and Superintendent of Police Mian Qadul Qadir, the orgy of violence began and lasted for three days without a break. About 3000 persons were killed and 600 girls and women were abducted. The leading lawyers Malik Daya Ram and Wazir Chand and also Lala Hans Raj Municipal Commissioner were mercilessly butchered along with their families, a young daughter of another advocate Shri Girdhari Lal Adhlakha was also abducted who was recovered in November, 47 on payment of sum of Rs.900/- through one Sohrab Khan Reader to District and Sessions Judge, Mianwali.

The remaining entire Hindu and Sikh population numbering about 4000 was either forcibly converted or they voluntarily offered themselves for conversion to Islam. Most of the above belongs to the gentry of the town and represented the cream of society who, acting on wise notion of 'Discretion is the better part of valour,' thought this the only means of saving the honour of their daughters and sisters and mothers and wives.

The most despicable features of the massacres of the Hindu population in the district was the active collaboration of the civil authorities, the police and military with the attackers and looters who were provoked by Muslim Leaguers and Muslim National Guard. The following figures will tell their own tale:

<i>Killed</i>	<i>Wounded</i>	<i>Converted</i>	<i>Abducted</i>
over 7500	1000	6000	2000
<i>Loss of Property.</i>			
Billions (can't be estimated)			

The description of communal riots in the Tehsil of Mianwali generally and village Harnoti and proper town of Mianwali particularly will be incomplete but for the mention of one Mir. Mohd Abdulla of Rokhri popularly known as Mir. Abdulla Rokhriwala. He is Secretary Muslim League at Mianwali. He sways vast influence over the Goonda element and wild illiterate Pathans of the Illaqa. He has very sweet tongue with a hidden venomous biting. He smiles with snakes in his sleeves. It was he who attracted the Pathans with the allurements of the booty of countless number of young and beautiful Hindu women and girls and loot of enormous wealth. In fact Mir Abdhulla... proved to be an evil genius responsible for the entire destruction of Hindu and Sikh population of Mianwali Tehsil.

Isakhel

Isakhel is situated on the other side of the river Indus and is bounded by districts of Bannu and Kohat of the N.W.F.P. It is 50 miles from Mianwali. It is quite a forelorn place. It is known as St. Helana of India. During Martial Law days of 1919 in the Punjab Late Hon'ble Lala Harkishan Lal a rebel Minister, had been deported to this place and interned there. The Hindus of this area were most submissive oppressed and depressed and the Khans of Isakhel were their mighty lords. The Khans kept them under their thumbs and they dared not move an inch without their sweet will.

On 28th August, 1947, one Hindu was stabbed whereas on 30th August, there were three stabbing cases all proved fatal. The culprits were not traced. A few Hindu passengers were thrown out of the train.

There was a communal riot, loot and arson. The Pathans joined the local rif-raff. More than 50 were murdered and 40 wounded. 40 shops and 12 houses were set on fire. Young girls were abducted. The D.C. it is so said, happened to arrive by chance in Isakhel in the afternoon of 2nd September. Sardar Said Zaman Khan i.e. the D.C. sent for a deputation of the Hindu Chowdhris of the town who were advised to settle amicably with the Khans and Rais of Isakhel. The D.C. later on left for Mianwali.

The S.I. Police set his machinery in motion and on 3rd September arrested 34 leading Hindus under Section 302 and 307 and 1 Sikh on the 5th. The houses of the Hindus and Sikhs were searched and they were deprived of their licensed arms.

On 14th under Sec. 148, and 149, 16 Hindus were arrested i.e. in all 51 arrests were made and the entire population was hushed into silence, and converted forcibly to Islam. Not a single instance of a Hindu can be quoted who did not embrace Islam. The number was nearly 1000.

The following villages were looted and two or three murders or more in each village were more than enough to convert the Hindus to Islam. In fact there appeared not a single soul who lived as a Hindu in this Tehsil (except two solitary instance of Khazanchi and Shah of Nawab of Kalabagh in Kalabagh proper). They were Shri Hem Raj and Ramsaran Shah whom the Nawab had detained for his own personal ends.

The villages are - Jalalpur Kot Chandna, Mandakhel, Khudazai Kumar Mashani, Kalwanwala, Kalur, Sultan Khel, Malakhel, Mitha Khatak, Chapri, Kutki and Kalabagh. The entire poor lot of Hindus were living like dumb driven cattle and leading the life of virtual sore and salves when I commenced my evacuation campaign in October 47.

The following figures will throw light on the enormity of ruin in this Tehsil:-

Killed
over 125
Property looted.
4 Lacs.

Wounded
80

Converted
3,000

Abducted
50

Sd/- K.C. Kalra,
District. L. Officer.

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Report Work in District Sargodha

L.A.R. File No. LIC/7

Description

Sargodha District is situated between the two big rivers of the Punjab, Jhelum and Chenab except Tehsil Khushab, which is situated on the west side of river Jhelum and it touches the boundary of district Cambellpur and Mianwali. Sargodha is surrounded by Jhelum district in the North and Gujrat in the East. Both of these districts are banned. The district is thickly populated by the Muslims. The Hindus and Sikhs are 14%. Since long the district has been predominated by the Muslims. There were many Nawabs, knights and big landlords. The district authorities have always been afraid of these big bulls like Tiwanas, Noons, Qureshes and Nahaniagas. The district contains four tehsils, Sargodha Bhalwal, Shahpur and Khushab which is a sub divisions and S.D.O. remains there as Magistrate with 30 section powers.

The Ex-Premier Sir Khizar Hayat belonged to this district. His father late Sir Malik Umar Hayat was a most popular, influential and a man who was respected by all classes of people. He had a very huge property and owned about 2000 squares of land. In February, 1947, there was a great agitation by the Muslim League against the Unionist Ministry and Sir Khizar Hayat Tiwana specially. Processions were taken out and demonstration were made. Sogans like 'Khizar Murdabad.' Down Down with the Unionist Ministry and Up Up with the Muslim League were heard. The authorities could not control these processions and demonstrations. The Hindus and Sikhs were over-powered, frightened and threatened. This was a signal of the coming events in the Punjab. Though nothing untoward happened in February but every body expected trouble soon after the fall of the Unionist Ministry.

Before Partition

Khushab Tehsil is divided into two parts namely Thal and Sun. This tehsi is thickly populated by Hindus and Sikhs. The occupation of the inhabitants of Sun valley is military

service. Most of the people are ex-military men, deserters and discharged from military and majority of them are drivers and cleaners. Due to the atrocities in Cambellpur, Rawalpindi, and part of the Jhelum district, in early March, 1947, these military people had taken into their heads that they might also molest, loot, commit murders and dacoities. Some two thousand people collected at Khushab proper. On the night of 10th and 11th March, 1947, some of them went to a certain mosque situated on one side of the town and burnt some papers and rubbish in the mosque and declared out that the Hindus have burnt the mosque. The authorities hearing the cries managed the situation but in the morning when a Peace Committee meeting was being held in Dak Bungalow, a crowd collected near it. This crowd started towards the town with petrol, raising slogans and began burning the religious places of the Hindus and Sikhs. The crowd parted into different groups. One of the group reached a big Mandir where three Hindu Pirs (religious heads of the Institution) were murdered and butchered in the broad day light. People in panic closed their shops and went to their houses and were witnessing all these occurrences, atrocities, and murders from the roofs of their houses. A telephonic message was sent to the Deputy Commissioner, Ch. Kewal Singh I.C.S. and Ch. Ram Singh, Superintendent Police. They at once proceeded to the spot and got the fire extinguished and brought the situation under control. The estimated value of the loss was alleged to be Rs.80,000.00. Similarly a mob at Kund village 11 miles from Khushab burnt the temple there and looted the Hindus and Sikhs. All these cases were investigated by the Police and some 80 people were challaned under section 302, 140 I.P.C. and other different sections of the Penal Code. S. Harkishan Singh, Special Magistrate was specially deputed for the disposal of these cases. I was deputed for conducting the prosecution of these cases. The trial was held in sub-jail Shahpur. Prosecution witnesses were frightened and threatened. All Muslim witnesses were won over. In four cases the prosecution and the defence evidence were recorded and arguments were heard. The cases were ripe for judgement on the 15th July, 1947, when the Special Megistrate was transferred and was especially ordered that he would not deal with these cases. The Deputy Commissioner sent for all the files and record of these cases in his own court. These cases never saw the light of the day upto to day and are said to be still pending.

It may be recalled that about ten thousand strong armed mob raided the Bhalwal town on 11th March, 1947, but the town was saved by the timely action of vigilant authorities namely Ch. Kewal Singh I.C.S. District Magistrate and Ch. Ram Singh, Superintendent Police but this raid was a clear evidence of the working of minds of the Muslim masses. Bhalwal minorities naturally got panicky with isolated murders every day in the villages and hence rushed towards Sargodha with their families with little luggage whatever they could carry.

After Partition

A few days before the partition, Khan Bahadur Ghulam Hassan Legari, P.C.S. was appointed Deputy Commissioner of Sargodha. In spite of the communal disturbances in other districts of the Punjab Sargodha town remained quiet throughout. On the 15th August, 1947, Hindus heartily joined with the Muslims in the celebrations of the independence day everywhere in the district and Hindus leaders made declarations of the loyalty to Pakistan. I delivered a speech in a meeting which was held by the Deputy Commissioner Sargodha.

Bhagat Ram Chand, Malik Brij Lal, S. Dalip Singh and Mr. Ram Pyare Lal supported me. We paid Rs. 5000/- as donation to the Muslim League. In spite of all this on the 17th August, some organised groups of stabbers led by Bashir (brother of the executive officer of Sargodha, Hamid Ahmad) started from Malikwal by morning train to Sargodha and Bhera sides. Hindus and Sikhs passengers were attacked and thrown out of running trains. A few passengers in these trains were murdered and others received serious injuries, two of the serious injured persons expired in the hospital. In spite of the Railway Police on duty with trains, stabbers and looters mostly in Muslim national guard dress continued this nefarious activities in the trains for full three weeks. Luggage of the Hindu villagers used to be thrown out from the train in front of the villages near the railway lines. On two three occasions, the trains were stopped between Phullarwan and Wilsonpur near Chak No. 15. A huge mob was already standing there. These people used to murder Hindus and Sikhs who had run from the train out of fear. Two girls were kidnapped. The matter was reported every day to the District Magistrate - Khan Bahadur Ghulam Hassan Leghari but to no effective action was taken to make the journey safe for Hindus and Sikhs.

Cold indifferences and non-helping attitude towards the perpetrators of crime in the train, served a clear signal to the gundas to start communal crimes. Everyday one or two Hindus and Sikhs were murdered in the train and in villages.

From first September, the trouble started on a large scale in the village on the right bank of river Chenab in Midraja Police Station. The villagers were looted, girls abducted and mass forcible conversion began. Those who did not accept Islam were murdered and looted. Village after village namely Takhat Hazara, Bhabra, Midh and many other places were attacked with the active connivance of police. Lawlessness increased day by day and no help came from any quarter. Thus the only course left for the minorities was to accept forcible conversion in order to save their lives and property.

Camp

The Sargodha non-Muslim refugee camp was located a mile and a half from the city in the cattle show fair grounds which was surrounded on all sides by walls with two outlets. For the first time the authorities started evacuation of minorities stranded in the villages through Muslim military and local police in the second week of the September, of 1947. The Hindus and Sikhs were reluctant to carry evacuation orders and evaded and some time refused to be evacuated under the escort of the Pak Police and Military, because the Police and Military escort used to snatch the valuables from the evacuees. In the beginning Sikh Military was posted in the Camp but when the number increased 60 to 70 thousands, a Frontier Force (Military) was posted on guard and this force began to harass and tease people. Sometimes they began to beat people with sticks on minor differences and they were badly harassed on petty things. This thing continued up to the 12th October when on the 13th two Military soldiers abducted forcibly a rural Hindu girl aged 18 years in the broad day light and took her to a garden near by. The girl raised hue and cry and some 2000 people from the camp armed with hatchet, *dangs* and sticks ran towards the spot. Before the abductors could commit rape on the girl, the refugees caught hold of one of the abductors and the other escaped by climbing the wall. I was inspecting the camp as Supt. when I got this news and reached the place. I found that one of the abductor was badly injured and

beaten. I stopped the refugees from further beating him and took the soldier into my camp so that he might not receive further serious injuries. While I was taking that soldier to the Military lines, when five soldiers armed with 303 guns came in front of me. The abductor who had escaped abused me and put the bayonet on my breast. Some of the volunteers took hold of the gun. But the soldiers removed the bayonet and aimed the gun on me. I rebuked him saying "I am the Superintendent of the non-Muslim refugee camp appointed by the Pakistan Government, you must realise as to what you are doing", fortunately I was saved. One of the soldiers fired two shot but no body was hurt. I took the injured to the Military lines where the soldiers, on seeing the injuries of the soldier, ordered his army that they should all be ready for attack. Just at the nick of time, Lt. Fazal Kareem reached there on a jeep. He enquired from me what the matter was and I told him the whole story. Then we both went to the spot and made enquiry. Lt. Fazal Kareem asked the girl to identify the abductor, who had escaped, out of 60 soldiers who were standing in different lines. The girl picked up the right man. He at once ordered his arrest.

I reported the matter to the Deputy Commissioner, Sargodha in writing. Lt. Fazal Kareem also reported the matter to the Brigadier who was then residing in remount depot. Next day in the morning the Brigadier came to the camp and had a talk with me. He warned me that if the refugees again beat and injured the soldiers or thus took the law into their hands, the entire camp will be blown off. I protested and told him very frankly that if these soldiers would behave in that manner, the Hindus and Sikhs refugees were ready to bear the consequences. I brought to his notice that no Hindu or Sikh would tolerate such things in the camp. Brigadier became angry and went away. Before he left I made him understand the legal aspect that every man had a right to defend himself when the aggressor is going to commit a serious offence. The two soldiers were sent for summary enquiry: I was the first witness to be examined and was cross-examined for five hours. Lehna Singh M.L.A. General Secretary, Punjab Provincial Congress Committee, the D.L.O. Sargodha who reached the camp just after the incident supported me in the witness box. The case was proved to the hilt and the two soldiers were given 18 days imprisonment.

There are hundred of volunteers who were working without any remuneration and were working under my guidance under different batches. There was no water for drinking purposes in the camp and two lorries were engaged for carrying water from the town to the camp. These lorries worked for days and nights with the help of the volunteers. Special care was given to sanitation and cleanliness of the camp. A free hospital was opened and doctors volunteered their services to work there. There was no shelters for the refugees who built their huts of gunny bags. The authorities did not help in any way nearly sanitation, water, lightning, medicines and fuels, Only four Chatanks of flour for each refugee was provided and some of the authorities missed to provide.

The camp was visited twice by the Chief Liaison officer, Deputy Chief Liaison Officer, Mrs. Sara Bai and others. The refugees laid their grievances who heard them very politely and who tried to remove their difficulties to great extent.

The refugees used to watch the camp in the night themselves in groups, under the apprehension that these soldiers who were posted on guard might not molest any girl.

Muslim League Agitation

Many Muslim league meetings were held and processions organised very often. Fiery speeches were made amongst the illiterate people and they were told that if they cooperated with the Muslim League they would get a share in the belongings of the non-Muslims including their ladies. They were openly asked to loot the non-Muslims. Many pamphlets were printed and distributed among the workers of the Muslims. These pamphlets contained the following directions:-

1. Distribute free arms to the Muslims.
2. Bycot the Hindus and Sikhs.
3. Join the National Muslim Guard.
4. Become an active member of the Muslim League.
5. Donate as much as you can towards the funds of the Muslim League.
6. Molest the Hindu ladies and kill the Hindus and Sikhs.

During this agitation civil and police officers were helping the Muslim Leaguers. In the end of August the condition in the different tehsils had become terrible as the desire of loot and lust was kindling in the minds of the Muslim masses. The leaders of the Muslim League were not sincere and they helped the *gundas* in their nefarious activities.

Atrocities in the different tehsils.

Bhalawal Tehsil

The conditions in this tehsil was terrible. Reports of murder began to come from villages. On the 6th and 7th of September, the Mihani Police looted the residence of Gondpur and cleverly arranged the massacre of the entire population of the village on he Jhelum bank. The Police brought the residents out of their village (Gondpur) on the pretext that they would be taken to Pind Dadan Khan refugee camp. When they reached the river bank the prearranged and pre-planned attack by the mob began and they were all killed. The mob was from villages namely Bharat Mihani Pakoowal, Pind Makko and Ahmedwala, Deela and certain other villages. They were all killed and thrown into the river. Their entire valuables which were collected were taken away by the Police. There is not a single survivor to tell the woeful incident. It is alleged that one women survived by jumping into river but so far she had not been recovered. I was told by Sheikh Abdul Gaffor, President of the Municipality that she was shot dead on the spot while she was trying to swim away. After that gruesome tragedy, the authorities indifference so much encouraged the same police and goonda elements of illaqa that four days after on the 11th September, a big old town of Miani situated at a distance of 4 miles from Gondpur was attacked by a huge mob consisting of 2000 people led by one Manak Busal (The lion of the Gondal bar) and the mob completely ransacked the town, indulged in cold blooded murder and abducted women and girls. Miani itself was a police station. Military pickets were also posted. Still six hundred fifty persons were murdered, nearly 300 persons were injured out of whom majority died in the hospital. It is highly regrettable that although the raiders remained in the town busy in killing and looting

for several hours, not a single shot was fired by the police or Military. The reports were current on the 8th and 9th of September, that Miani town would be attacked but no action by the authorities who were duly informed, was taken to prevent this apprehended attack. The property worth 3 lacs of rupee was looted. The mob took away carts loaded household effects and belongings of the afflicted persons. It is alleged that during the attack some reinforcement arrived from the headquarters and some arrests were made out of those raiders who were still in the town busy in their loot but nothing had come out of it.

The worst type of torture is the tragedy of Chak No.14, S.B. Bhalwal, which took place on the 4th September, 1947, Nine Hindus including ladies and children were sitting under a *chappar*. They were asked to accept Islam. On their refusal they were first maimed and then burnt alive. Similarly Hindus and Sikhs who refused to adopt Islam were butchered with hatchets, spades and sticks. This happened in Chalk No.20 and Pahrarwali in Thanna Kot Noman and many other places.

And other worst type of murder took place when four Hindus who were carrying a dead body on a cot to the Police Station (Bhalwal) were way laid and killed. Village after village was attacked and the Hindu and Sikh population met the same fate.

Bhera Sub-Tehsil

Bhera is an important town situated on the East side of the river Jhelum. Bhera had produced the Barristers, Lawyers, Professors, Doctors and Engineers. Majority of the population have left Bhera and had sought their employments in other districts of the Punjab. Almost Bhera people are scattered in the whole of the Punjab.

The Population of Bhera was about 23000. Hindus and Sikhs were in great minority, now they were about 20% because most of the people had left the town before the partition. Only a few thousands were left and they were also located in two Mohallas which were transferred into an unrecognised camp. Bhera was a quiet place and a communal riot was unheard of. There was part faction but these part factions were led by Hindus and Muslims jointly.

Only one serious incident happened throughout these disturbances, 1947. In September some twenty five people collected together and formed into an unlawful assembly and quietly came to Chopranwali Mandi where they began to kill and massacre people who were working in their shops. They killed two Hindus on the spot and injured five very seriously. Out of the injured one died in the Hospital. The authorities came to know of the incident and at once proceeded to the place and caught hold of seven Muslims who were arrested and challaned but they were all acquitted on account of lack of evidence. This created a great panic in the town. People in panic closed their shops and went to their houses in great apprehension. By the timely help of the police the situation was saved. Peace Committee meetings were held and after that no untoward incidents happened in the town. The Hindus and Sikhs remained in the town for about two months when they were taken to Mandi Bahau Din Camp wherefrom they were sent to the Indian Dominion. They were not allowed to hire any tonge, car or any other means of conveyance. Every man was allowed to take that load which he could carry upto the Railway Station.

All were taken to station on foot. Mothers with children in their laps and bundles of their belongings on their heads were forced to go to the Railway Station to catch the trains

on foot. Some fainted in the way but with no help. These refugees left their houses full of household effects and their belongings. There were stray cases of murder in Chak Ram Dass, Bonga, Kot Hakam Khan and other places.

Sargodha Tehsil

The population of Sargodha was about fifty five thousand. Out of this seventy five percent were Hindus and Sikhs. It was a very industrial town and 90% of the industry concerns were owned by the Hindus and Sikhs. Sargodha has been quiet throughout and no untoward incident happened until the third of November when Sardar Chanchal Singh the biggest factory owner was murdered in broad day light on a most frequented place near his factory. On the next day two other men Govind Ram and Lakhmi Dass were murdered some time in the evening on a water course near the town. Their corpses were found in the morning. On the next day a very renowned doctor Kanshi Ram who was working in the Camp and was running a free dispensary was killed by the Muslim refugees on the same water course when he was in the company of one Jiwan Mal Saraf. A few minutes later Jiwan Mal Saraf was also killed. This created a great panic in the town. By the order of the Deputy Commissioner Khan Bahadur Ghulam Hassan Legari, all the inhabitants were located into blocks and military was posted on guard. The Deputy Commissioner at once sent telephonic message to the Chief Liaison Officer, East Punjab Government for the immediate evacuation of the inhabitants of Sargodha. On the 5th evening 4000 refugees were sent to Lahore Camp and the rest were sent on the 10th. The whole town was evacuated by that day. As the town was evacuated at a very short notice hence people left their belongings and household effects in their houses. On the evacuation of the town lawlessness prevailed, the Muslim refugees began to loot the property. Very few houses were sealed. The valuable belongings were never sent to Bhat-ul-Mall but were misappropriated by the Police Officer.

Sargodha Suburb

Sargodha suburb contained large number of chaks which were thickly populated by Hindus and Sikhs. In many villages stray cases of murders had taken place. The villagers on account of panic and fear began to pour into camp.

Ex-Premier of Punjab Sir Khizar Hayyat Khan and his two right hand men Sir Nawab Allah Bakash both left for England. They were the sole proprietors. What happened in the sole proprietary villages owned by the heads of the Unionist party was very painful because it came from the friendly quarters. All the Hindus of Khazairabad were taken out of their villages by their Mukhtars namely Sultan Shah on the pretext that they would be escorted to Sargodha quite safely. Most of the relatives of the Hindu residents had come to them from other places to seek protection under the impression that this village would be the safest place. But when they came to this village and were on their way to Sargodha a mob which was prearranged attacked the Hindus and the entire population of the village exceeding fifty were mercilessly butchered with no survivor to tell the woeful tale. The heartrending shrieks of ladies and children were drowned in the canal in which these persons were thrown. After the murders their corpses were seen floating in the canal.

Hindus numbering about sixty were forcibly brought to Sargodha mosque for

conversion from the village of Malik Allaha Bux led by Pir Chand Pir Shah the head Mukhtar of the Nawab. No sooner did they entered the mosque when this news spread like a wild fire, then they were rescued by the Gurkhas Military which was posted nearby. They were deprived of their entire belongings in their villages. During these days Raja Ghanzanfar Ali Khan the Pakistan Refugee Minister visited Sargodha and made a speech for the rehabilitation of Hindus and asked the Muslims to create confidence among the minority but his speech proved most ineffective. D.L.O. met Sir Khizar Hayat during my stay at Sargodha and he told me that he was doing the best in getting the property of these dead men recovered and I understand that he had recovered their belongings to some extent.

Shahpur Tehsil

The people of this Tehsil were the least sufferers because most of the inhabitants left their hearth and home before the date of partition. Some of these persons came to Sargodha and few left for the Indian Union. Those who were left behind, a few out of them were brought to the Camp under the escort of the local Zamindars. The rest accepted Islam and remained there till they were evacuated by the M.E.O. and were sent to the Indian Union. Two very serious incidents took place at two different places in this tehsil.

One Pt. Darbari Lal, Dispenser, Civil Dispensary, Shahpur Saddar went to village Bakhar, a village two miles from Shahpur Saddar Tehsil Headquarters. When he was coming on a tonga along with his relations including a lady and children, he was attacked by the Muslims of that village and was badly butchered. All his companions were killed and their belongings and households effects were looted. The tonga man who was a Hindu was also murdered. The assailants drove away the tonga also. A report was lodged at the Shahpur Saddar Police Station but no body was challaned.

2. A very serious murder took place near Frooka, an important village in Thana Sahiwal. Ladha Ram a rich factory owner and an influential man amongst the Zamindars, went to Frooka, his native place, along with his two real brothers and his brother-in-law from Silanwali Camp. It is alleged that he had gone to Farooka to bring his ornaments which were buried somewhere in his house. He was sure that no Muslim Zamindar would touch him. In fact he was a very strong hearted man. When he was coming from Frooka to Silanwali at about 6 A.M. he was attacked by a mob coming out from a Chak nearby. It is alleged that some Muslims of Frooka, gave information in this Chak about his departure. He was coming to Silanwali and had hardly covered two miles when he was put to death mercilessly by hatchets and *dangs*. His two brothers and his brother-in-law met the same fate. The news of his murder created a great panic in the vicinity and in the camp Silanwali, D.L.O. Sargodha proceeded at once to Silanwali and requested the police to make investigation but nothing came out of it.

There were many cases of murders in some villages in this Tehsil. The abduction in this tehsil was also very little.

Khushab Tehsil

This is an important tehsil in this district being a sub division. It was thickly populated

by Hindus and Sikhs. But the Hindus who were living were quite well off. Mitha Tiwana was an important village in this tehsil. There was a Batra family who were called Maliks. They hold huge landed property. In early September, attacks started in Khushab tehsil. Villages with Sikh population were the worst sufferers. Whenever the minorities offered resistance and successfully put up strong defence, the police came to the help of the assailants and raiders either by arresting the Hindus and Sikhs as accused or by disarming them under the misrepresentation that they would be escorted by the Police to safer place. In spite of this, Roda village in Khushab tehsil reveals the treachery played by the Police Sub Inspector on the innocent people who were taken out first from their village and then disarmed. Doctor Mokam Singh a leader of Thal area belonged to Roda. He had great enmity. In this attack he was killed and he was beheaded. His head was hung on a spear and by the beat of drum was taken from one village to another village. In this attack seventy persons were killed at the spot and more than 2 dozen girls were abducted. In fact in this village, all the non-Muslims collected themselves in a local Gurdwara and resisted the attack for two days. However on 15.9.47, Sub Inspector Police Station, Mitha Tiwana with a head constable Baz Khan reached Roda and asked the non-Muslims to come out of Gurdwaras and promised them a safe escort. The people of the village trusted him and handed over the entire jewellery, of all the residents which was already collected, to the Police. They all started, some on foot and other on camels. When they had gone about two miles from the village they were stopped by the Sub-Inspector from proceeding further on the pretext that there was a mob collected and awaiting them. When they returned back a huge mob with rifles, guns, chharias and other deadly weapons attacked the residents of village Roda. Fifty nine persons were killed on the spot and some wounded. Out of the wounded also certain men died. Seventeen girls were abducted, out of it nine have been recovered. The rest are untraceable. The Batras resisted the attack of the raiders for two days. Khan Sarwar Khan, Sub Divisional Officer went to the Mitha Tiwana and disarmed them. He took away their guns, one rifle and few pistols. It is alleged that the police took away the entire household effects and belongings of these people. Ultimately the members of this family twenty three in number were arrested and were put into lock up. It is alleged that when they were defending themselves, one Mirasi out of the raiders was shot dead. The Sub-Divisional Officer sent a report to the Police and went himself to Mitha Tiwana during the investigation. It was a false case against the accused (Batra family). D.L.O. was told by Quarshi Abdulla Shah Advocate, Vice President of the Muslim League and who was the defence council that the case against the Batras was ordered by the District Magistrate to be withdrawn. But (Khan Sarwar Khan) Sub. Divisional Officer did not agree. One of the accused Malik Gurudas Mal was shot and he received a bullet wound in the thigh he was brought to Sargodha Civil Hospital under Police custody. The injured accused Gurudas Mal was enlarged on bail and the rest remained in the lock up for a very long time. Ultimately they were released by the High Court on bail, after adjournment were granted by the court for the production of evidence which was never produced. These Hindus and Sikhs accused could not stay in jail any longer and as they were to be evacuated. Therefore most of them compromised their cases by paying very huge amounts. Very few of them remained in the jails although by that time the non-Muslim refugee camp was almost evacuated. In some cases the court demanded bails of very huge amounts and especially of the Muslims i.e. as surety. As the Muslims would not come forward to stand sureties, the accused remained in

jails for good deal of time. By this dishonest methods the Muslims had realized a very huge amounts from the Hindus and some had made the fortune of their lives.

They mention here names of Bhagat Ram, Chand Lal, Thakar Dass, Chaman Lal Wig, and so many others. Bhagat Ram Chand paid Rs. 35,000/- hard cash. Mr. Mulkh Raj, Barrister who had transferred all his accounts to the Indian Union was forced to pay Rs 2,000/-. In this novel plan of loot, the Muslims realized lacs of rupees.

Evacuation

The evacuees were not allowed to leave their houses unless they were thoroughly searched by the police. People were not allowed to bring their unsewed clothes. No evacuee was allowed to bring cycle, Radio, Sewing Machine, typewriters. No permit was allowed to take these things. At nowshera the ladies were also searched. This thing happened at Khushab Thana when Hindus families were brought from different villages under the escort of the police. Persons who were leaving their property were forced to pay to their creditors in cash. Business men were not allowed to take out their records from their premises.

All the belongings, luggage and household effects were kept by authorities without any receipts and Quershi Abdullah Shah stood surety on behalf of Gurudas Mal who was ordered to appear in some court in the East Punjab.

There were many stray cases of murder in this tehsil. I can definitely say that Khan Mohd Sarwar Khan is responsible for all these misdeeds because he had been persuading the inhabitants of this tehsil that they must not leave their home and hearth as he would be responsible for their lives and property. Up to the end of August, he was doing his best. But it was all a deceitful means. He detained the inhabitants of this tehsil but ultimately he proved to be a most treacherous and a mean man. He ordered the police that not a single man would move out of a house unless he was thoroughly searched. The women folk at Nowshera Police Station were actually searched and Mirasi women were hired for this purpose. He allowed each man to carry with him three utensils, a cash of Rs. 15/-.

A Novel Plan of Loot

In the middle of September, a novel plan was devised to deprive the Hindus of their valuables. The Muslim started false prosecutions by complaints under section 406, I.P.C. against respectable rich and influential Hindus and thus began extorting money from them. In most cases these Muslims were paid by the sale of ornaments on very cheap rates. the procedure was that the complainant would file a complaint and the court will issue non-bailable warrants facto. Sh. Akram Ul Haq and M. Joffery were the two Magistrates who were trying these cases. The accused were arrested and sent to Jail. In one month about five thousand complaints were filed. There is not a single case in which the evidence was recorded. Some of the self respecting accused who tried to defend their cases were harassed by dilatory methods and the accused remained rotting in jail. Adjournments, inventories, A Bai-Ul-Mall were opened and all these belongings of Hindus and Sikhs were collected there and were either distributed among the refugees or were auctioned on a very nominal price.

A most important thing happened in the month of May, was that the belongings and household effects of Mr. Rajeshwar Singh Phulka, E.A.C., P.C.S., were taken possession of by the Dy. Custodian on the 25th March 1948. A notice regarding the sale of his property was published in the local newspapers Paym-i-Zindgi and the sale was fixed for the 9th April. The District Liaison Officer applied for a permit on behalf of Mr. Phulka but his application was rejected. The household effects of Mr. Phulka were sold on the 2nd and 3rd April though the sale was actually fixed for the 9th. A permit from the Custodian was brought by Mr. B.A. Sheikh but that was also not accepted by the Deputy Custodian Mr. M.A. Latif, Sub Judge, Sargodha with the remark and in the heat of words the Deputy Custodian said "Even if Pakistan is snatched away I am not going to give the property of Mr. Phulka." The whole property of Mr. Phulka worth about 45,000 was sold for a nominal price. This case has been specially sent to higher authorities by them.

People leaving for India in trucks were not allowed to take their needful luggage with them. The water pumps on the Railway platforms were closed when the trains were being loaded. Trains were so over-crowded that one would hardly stand. In one train fifty even hundreds of refugees were sent and they remained standing for days and nights. On the 5th October a train carrying about 300 people was attacked near Malikwal. Only two men died on the spot, the escort which consisted of Gurukhas fired many shots in reply but the assailant escaped.

When the Phullawarwan Camp was being evacuated, one train was sent via Malikwal. The train had hardly covered 2 miles when it was attacked by Pathans who were deserters from the army. The fire shots were heard at Phullarwan camp wherefrom Capt. Hari Singh of the Ahir Regt. proceeded with troops immediately to the place of scene. He ordered his troops to fire the assailants and raiders out of whom two died on the spot and the rest fled away. Some nine or ten persons were shot dead in one compartment of the train. This happened in the middle of November.

1,50,000 people were evacuated by trains and trucks up to the 21st November, 1947, on that date the camp was closed. The camp was restarted and until now 11,500 people who have embraced Islam out of fear and force, were sent to the Indian Union by the help of the MEO. Some two thousand people were taken out from Gujrat district. About three hundred left in different pockets are not willing to come.

Since the withdrawal of the M.E.O. from the district the evacuation work and the recovery of the abducted girls was very much slackened, and all sources of information were dried up. By this replacement the following difficulties were met, namely 1. Every one who came to the camp was interrogated and harassed. 2. His name and full particulars and the purpose for which he had come was inquired into then and noted. There was a regular register kept for this purpose. 3. The lorry of the D.L.O. was searched every day while coming and going out of the camp. This practice went on even when the lorry was sent for ration and on Government duty. 4. Persons who used to come to give information with regard to abducted girls' evacuation and movable property were not allowed to enter the camp. 5. The police on guards did not allow the D.L.O. to receive the movable property of any Indian National in the camp.

The household effects of many other nationals are lying in Sargodha with their friends but due to the attitude of the Deputy Custodian it was not possible to remove them because the Deputy Custodian when coming to know about the whole household effects of any Indian

National lying at a certain place he would try to remove it and either misappropriate or auction it at a nominal price. In spite of these difficulties I tried to collect the luggage of certain Indian Nationals. There are still huge quantities of movable property lying with different persons who are ready to hand over without a permit.

Abduction

Sargodha had been much quieter district than many districts in the Punjab. This was due to the presence of Khan Bahadur Ghulam Hassan Leghari, Deputy Commissioner, Sargodha who tried his best to control the situation. There was only two mob attacks, one at Miani and the other at Roda, far off places from district headquarters. The mob which attacked Miani town consisted of villagers who came from the adjoining vicinity. A number of abducted woman had been recovered. From Roda village some two dozen women were abducted. The total number of abduction in the district was about 80 out of which majority of them have been recovered. The women and girls who had not been recovered, were either sent to the banned districts or were taken away to the frontier.

The Pathans brought a very large number of abducted women and children from Kashmir front and they had been selling these abducted like cattle and chattel. There were cases in which a women had been sold thrice or four times. The Pathans had made this a regular trade. One hundred seventy eight women were recovered from the district. There are eight women, whose clues are definitely known and the rest about 80 women, girls and children whose clues are untraceable are in different banned districts.¹

An important incident took place in the month of March on or about the 17th when a batch of five women and three children was recovered from Phullarwan by the Police from the possession of Pathans who were disciples of Pir of Wana who was at Rawalpindi in those days. When this batch was brought to Sargodha by train a few Pathans followed the police up to Sargodha Railway Station. The police got a clue of the intention of the followers that they might be attacked. This batch was shut in the lady waiting room and a telephonic message was sent to the police lines for help. Some twenty five armed police constables came to the Railway Station for a safe journey to the camp. In the meantime a large crowd collected on the Railway Station. The police sent this batch to the camp from the back door at about 11 p.m. in the night and sent a message that the Pathans had collected in large number and they might attack the camp. Major Stracy incharge of the camp at once gave order for the digging of trenches and holding certain *morchas*. The whole camp remained on their legs for the whole night. On the next morning the D.L.O. received orders from the A.D.M. Sargodha that batch of women and children could not be sent to the Indian Union till further orders. The quarter of the Inspector C.I.A. was surrounded by the Pathans and the Police had not the courage to ask them to retire.

The Pathans wanted back the hands of these women and children at any cost and their number increased up to ten thousand. The district authorities became very much panicky. They at once wired to the I.G. Police and the Deputy Commissioner who was on leave. On their arrival a proposal was made and agreed upon and the batch of women and children was sent to the D.S.P's Bungalow under the escort of the lady worker and Indian Military. Pir of Wana was sent for. After three days negotiation the batch of women and children was sent back to the camp at midnight. They were brought by D.I.G. Police himself who asked

the D.L.O. that these abducted might be sent early in the morning.

These turbulent people had become menace to the public and society, and they were committing murders and dacoities and day light robberies in the district. Ultimately they were forced to leave Sargodha by the Military and Police authorities. Since this incident the police never recovered any woman, girl or abducted persons from the possession of Pathans although they knew that there were many abducted women who were kept by them. The Deputy Commissioner and the S.P. had not the courage to raid any house or place, where the abducted, were from the possession of the Pathans who were openly selling these abducted women and children.

Temples and Gurdwaras

Every village in this district has either a temple or Gurdwara. There may be large number of temples and Gurdwaras in the big towns, but the condition of each one of them is hopeless. The temples in Sahiwal in Shahpur tehsil are used as Latrines. There is lot of rubbish lying at these places. Although most of the temples and Gurdwaras are lying vacant but they are not properly managed. At many places namely Bhera, Sargodha, Bhalwal Khushab refugees are still living in them and the places of worships are used as Kitchens. The big temple of Sargodha was still inhabited by the refugees and the most sacred place of worship was being used as latrine. Certain *murties* were also found demolished in certain temples in the district.

The temple of village Nihang was totally raised to the ground and the temple and Gurdwara of Kot Bhai Khan was fallen to the ground and encroachment had been made on them. The Gurdwara of Chak No. 34, S.B. in tehsil Sargodha was turned into mosque. The D.L.O. went in the company of the police and found people praying on the platform erected in the courtyard of the Gurdwara. This platform had been given the shape of mosque. The D.L.O. objected there and then and the police persuaded the inhabitants of that place to set it right. In the presence of the D.L.O. this was demolished and the resident of that Chak promised that they would not desecrate the Gurdwara in future.

Sargodha Aerodrome

It is situated two and half miles from Sargodha City and was about one mile off from the camp. Aeroplanes began between Sargodha-Amritsar, Ambala and Delhi from the end of August, 1947. People going to the Aerodrome were looted on the way and mercilessly beaten and injured under the very nose of the police who were looking to these incidents as spectator. Gold was retained by the Police and Magistrate (Sheikh Akram-Ul-Haq) at the Aerodrome from the passengers and only ten percent was deposited in the treasury and rest was misappropriated by the Police and Judge.

1. When there started armed hostilities in Kashmir, the Pakistan Government banned the entry of Indian officials in all those districts of West Punjab that had common border with Jammu and Kashmir State. Consequently abductors of Hindu Sikh girls went to these districts in order to avoid the recovery of abducted women by India Officials, who were working under Indo-Pakistan Agreement (vide Document No.97). For more details see Akali Chakkar Kaur Singh diary "Pakistan De Safar" edited by the writer of these lines and published by Khalsa Samachar Amritsar, 1959 — Ed.

Report of work in Sheikhpura District

L.A.R. File no LIX/9

General Description

The district of Sheikhpura consists of three tehsil:-

- I) Sheikhpura.
- II) Nanakana Sahib.
- III) Shahdara.

The area of the district is 11,000 sq. miles. It is about 200 miles long and 55 miles wide.

The total population of the district before the disturbance was about 7 lacs, out of which about 2 lacs were Hindus, Christians and Harijans and about one lac Sikhs. The Sikhs were big landlords and lived mostly in the suburbs. The majority of the Hindus lived in the *Mandis* because they were business men. Narang Mandi, Muredke, Sheikhpura, Chuharkana and Sangla Hill Mandis were thickly populated by the Hindus.

Sheikhpura town is situated at a distance of 23 miles from Lahore.

The District remained absolutely quiet until the end of July, 1947, the communal harmony workers, the local Congress and the League Leaders all joined hands and an all out effort was made to maintain the peace and tranquility of the district. There were no symptoms of trouble until the Independence Day. On the 18th August, 1947, however, when the Baluch troops took charge of the town, the atmosphere deteriorated. The arrival of the Baluchis completed the League—Official-Military axis and the stage was set for one of the most ghastly and ruthless massacres in the provincial campaign of the genocide of the non-Muslims.

The situation took a very ugly turn on the 20th August, 1947. Stabbing of Non-Muslims started at the Railway Station. This continued on the next day and the day following. This was resorted to in order to discourage the exodus of the non-Muslims from the town by the Railway. On the 23rd August, 1947, the district became inferno. Flames leapt and smoke rose skyward from every quarter of the town. The people carrying their children, aged folk and valuables were forced to come out of their houses. As they came in the streets, they were shot dead by the Addl. Police and the Baluchis. Then a false report was spread. It was said that the rice ginning factories across the Railway line have been declared as Refugee Camps and those who wanted to go there would be given safety. About 9,000 people collected in the two factories and in the Namdharis Gurdwara to find shelter from fire, bullets and bayonets. When they had collected there, they were asked to stand in a line. All the young girls were picked up and collected on the other side. One youngman could not control himself when he saw that his sister was being maltreated in his presence. He gave a blow to the Military man who was holding his sister and the soldier straggled to the ground. This gave the Military an excuse and they started firing indiscriminately. When their ammunition had

exhausted, hand grenades were used and the survivors bombed and bayoneted. It is estimated that nearly 9 thousand people were put to death on that gruesome day and their women folk were distributed as booty amongst the *goondas*. On the next day, vultures were seen picking human flesh and the authorities helped by the League workers found it necessary to perform the burial of the dead bodies, so that they might not cause foul smell.

Those who survived are of the opinion that Minister Sheikh Karamat Ali was responsible for this slaughter.

On the 26th August, 1947, 200 girls were found locked in a room in the Guru Nanak Pura bazar by the Indian Military and were handed over to their relatives.

On the 29th August, 1947, Pt. Jawahar Lal Nehru accompanied by Liaquat Ali visited the place. Pt. Ji stood dumb at what he saw. [Vide Document no. 166].

Other Individual Murder

One Shri Chuni Lal Jelti, S.D.O. Canals took shelter in the Dak Bungalow in the Canal Rest House of Chicho Ki Malian. On the 24th August, 1947 a mob headed by Ali Mohd Lumbardar of village Naukarian came there armed with hatchet and fire-arms. Nearly 20 members of the family of Chuni Lal Jelti, and his brother were there. All were killed and young girls, Rajashwari, the wife of Chuni Lal's son and Nirmala daughter of Lala Chuni Lal were abducted. Elderly ladies Khem Kaur, Har Kaur and Shiv Devi were killed. Chuni Lal ran into the jungle to save himself but he was hunted out and killed. The two girls Rajeshwari and Nirmla jumped into the canal to escape their abductors but were taken out alive and were seen being carried off in a tonga. In spite of the best efforts of the Social Worker of the Liaison Agency, the girls have remained untraced.

Another tragic case is that of Mr. Des Raj Missar, Advocate Sheikhpura, on the 24th August, 1947, his house was looted and his 3 young daughters, Pushpa Devi 16 years, Kant Kumari 13, years and Shanta Kumari 11 years along with the wife of Mr. Barlow Sub Judge Sheikhpura were abducted by Mr. Ghulam Bari son of Dr. Salimi. These girls were seen being removed in a motor truck and have remained untraced, in spite of the best efforts of the recovery workers.

Incidents in Sangla Hill and other surroundings villages

The tragic massacre at Sheikhpura demoralised the Hindus and the Sikhs all over. It was announced that two camps were being opened, one at Chuharkana and the other at Nanakana Sahib. The people from Sangla Hill and other surrounding villages prepared to go to the Chuharkana Camp. On the 27th August, 1947, the people of Sangla Hill were asked to assemble in the Mandi. The National Guard Volunteers were present and they announced that arrangements were being made to take the people over the Chuharkana Camp. The people left their houses carrying whatever valuables they could and marched to the Mandi. A Muslim Magistrate was present there and in his presence the National Guard Volunteers started to search the persons of the refugees. To start with, the search proceeded in the ordinary manner, but very soon developed into a serious affair. The ladies were ordered to take off their garments in public and the National Guard Volunteers began to molest them and behaved indecently. But the tragedy of Sheikhpura had completely

broken the spirits of the people and fearing the same fate they kept quiet and tolerated shameless treatment meted out to their ladies. It is said that some young girls were taken into the rooms where they were stripped naked and were raped. All gates of the Mandi were closed and only one gate was left open from which the people continued entering the market. It is reported that heaps of gold and silver and bundles of currency notes were collected. It is estimated that at least 4 Maunds of gold were collected. About 100 young girls were not handed over to their relatives. When the booty had been collected, the parade was dismissed and helpless victims were allowed to march towards the Chuharkana Camp.

Narang Mandi and Chakrauti

The story of Narang Mandi was equally ghastly. The place was in the charge of Police Inspector Mohd. Ali who was assisted by two Sub Inspectors. There are no Military at this place. The 3 Police Officers were actively helped by Pir Zafar Hussin Shah and other Pirs of Rata Piran Village.

On the 26th August, 1947, all the Hindus and Sikhs were asked to come out of their houses, A Sikh A.S.I. and a Sikh Head Constable were killed and their dead bodies were thrown in the bazar in front of the Hindu Public who were told that if they did not obey the order of the Police, they would meet the same fate and if they obeyed the order they would be taken safely across the river Ravi towards Amritsar.

As at Sangla Hill and Sheikhpura the people left every thing at their places and came out with whatever small bundles they could carry. They had hardly gone out for half a mile than the Police opened fire from behind. This was a signal to the Muslim mob which had stood in readiness and marched out of the crops armed with hatchets and sharp knives and started killing and looting the helpless victims. It is reported that nearly 4000 people were killed, a large number of women abducted and gold and silver ornaments looted. The survivors escaped towards Chakrauti which was the assembling place for the neighbouring villages of Boora Dat, Khunda Ladske, Kirto, Pindori, Mirowal. When the *Jatha* had swelled upto the strength of about 4000, it marched towards the river Ravi and crossed it. Out of the women abducted at Narang Mandi, one Ram Piari, one Oma Wati and a boy Ram Labhaya have been recovered and sent across to India.

Similarly another *Jatha* of the Lubana Sikhs belonging to Bawkawal and Siriyanwal was slaughtered by the Muslims and it is estimated that hardly 10 persons escaped out of 1000.

Sharakpur

Sharakpur, met a similar fate on the 25th August, Amongst the important persons who were killed were the local Headmaster of the Govt. High School, Lala Tek Chand Nanda who was dragged from his house and was killed in the bazar, Mahasha Lal Chand a popular Arya Samajist and Bhagwan Dass a police Head Constable. The important Sethi family of this place was also mercilessly butchered. The notable cases of abduction were of Shanti Devi daughter of L. Ganpat Rai, Santosh Kumari, Rup Rani w/o Chaman Lal, Vimla Devi d/o Amin Chand and Vidya Sethi. Fateh Mohd Minyariwala, Rashid Cloth Morcha, Pir Mohd Bhati, Illam Din Lohar, Mohd, Sadiq are some of the Muslims who were suspected

but without any results.

The Police and the civilians were not the only culprits in this wild game of slaughter and rape. Whenever they could, the Military also added to their laurels and managed to partake of the booty. On the road from Jaranwala to Lyallpur a truck was stopped near Feizpur Middle School. All the men were killed and about 20 women were captured and raped by the military. One of them was pregnant and died after the brutal treatment. It is stated that the Head Master of the School was a nice man and he protected 5 Ladies and sent them to the D.A.V. Collage at Lahore. The others were abducted and could not be traced.

A marriage party coming for Lyallpur also met a similar fate. The whole party was killed. Only one girl Nirmla daughter of a Doctor survived and was forced to be married too an Octroi Clerk, who had also been forcibly converted to Islam. This girl was recovered in April, 1948, and was sent to the East Punjab.

Ghazi Androon

This place was inhabited by the retired Dogra soldiers who had been granted lands by the Government as a reward of their war service. The Dogras joined the Sikh Jatha under Kala Singh and Daler Singh with a view to evacuate themselves. They were followed by the Muslim Military and the villagers who attacked them. Daler Singh was killed in the fight between the Mussalmans and the Dogras while Kala Singh managed to escape. About 20 young girls were abducted. Later on, some of them, including Sita Devi wife of Madan Lal and one Kaushlya were recovered as a result of the efforts of the Liaison Agency.

Momanpura and Dhaban Singh Railway Station

On the 25th August, 1947, a train full of the Muslim Goondas was started from Sheikhpura with a view to create disturbances on the line. It was stopped at every Railway Station and the Goondas killed the non-Muslims Railway staff. Nearly all the non-Muslim Station Masters, on the line were killed and any Hindu member of the staff who happened to fall into their hands was killed. Their women folk were abducted and property was looted.

One Mr. R.L. Puri, Station Master of Momanpura was forcibly converted to Islam. Later on he was evacuated in the month of February, 1948, along with his wife and two young daughters. Mr. Puri was being forced by the Muslim to give away his daughters in marriage and then he was evacuated, he felt very thankful.

Near Dhaban Singh Railway Station a *Jatha* of the retired Mazabi Sikh soldiers had to give a tough fight to the Baluch Military and later on managed to obtain two Railway bogies for themselves and crossed the border.

Similarly atrocities were committed at Syadwala and Baraghar Police Stations. Partap Singh Lambardar of village Bandoke was at Sheikhpura and in his absence his house was looted, his wife and children were killed and his 3 young daughters were abducted. Efforts made to recover his daughters who were reported to be in the possession of Lambardar Akbar of village Daulat proved abortive.

Gurdwars and Temples with the exception of Nanakana Sahib and Sacha Sauda, all the Gurdwaras and Temples were being used either as schools or as residential houses for the refugees.

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Report of work in Sialkot District

L.A.R. File No. LVIII/22/8-B

The district of Sialkot consisted of four tehsils i.e. Sialkot, Daska, Pasrur and Narowal.

The total population of the district before the partition and the disturbances was more than 11 lakhs out of which a little more than 3 lakhs were non-Muslims, about a lakh being Sikhs. Majority of non-Muslims were living in the tehsils of Narowal and Daska.

The population of the Sialkot town was 1,50,000. About 25% of this population were non-Muslims. The town was an industrial one and 90% of the industries were owned by Non-Muslims.

In January and February 1947 meetings were held and processions organised very often. Fiery speeches were made amongst the illiterate people and they told that if people cooperated with the Muslim League they would get every thing belonging to the non-Muslims including even their ladies. They were asked to loot the non-Muslims. Pamphlets were printed and distributed amongst the Muslim League workers and they were directed to act as under:-

- a) Kill a Sikh and Loot him;
- b) Wound the Hindu and loot him-
- c) Become an active member of the Muslim League;
- d) Become a member of the Muslim League National Guard.
- e) Contribute as much as you can to the Muslim League Funds;
- f) Boycott the Hindus and Sikhs
- g) Distribute free arms to Muslim League workers.

A large number of steel helmets were collected and all sorts of deadly weapons such as *Balams*, *Chavies* and *Takvas* were specially prepared for distribution amongst the Muslims. Majority of the Civil and Police Officers were helping the Muslim League.

March-1947

In the first week of March 1947, three Sikhs were coming from Khatka Khana Sialkot city when they were stopped in the bazar and attacked by a mob of Muslims. One of those three died and the remaining two were seriously wounded. Just after this, ten more stabbing cases took place out of which six proved fatal. The following day one non-Muslim was killed near the village Kotli Behramji and another in village Channumon in broad-day light. The people of the village Channumon were told that if any of them went to the witness box against the culprit he would be killed. Sub Inspector Trilok Singh who was in charge of the Sadar Police Station was however able to produce all the witnesses in the above case. Just after a couple of days when he had gone out for some investigation he was attacked by a Muslim at night and murdered. Many meetings for the unity of the Muslims and non-Muslims were held after this and the districts remained fairly quiet for some time. The leaders of the Muslim League were however not at all sincere; they wanted to create mischief. Moreover the propaganda of the Muslim workers amongst the illiterate persons was so tempting that an ordinary man could not help believing it. They said that Quranic Laws would be enforced, properties of the minorities would be seized and they would be treated as slaves. All this kept the fire of loot and lust kindling.

On 12th August, 1947, twelve non-Muslims were stabbed in Sialkot. On 13th at midday the house of S. Baljit Singh, Advocate was set on fire by a Muslim mob. S. Balkrishan Singh (relation) was present at the house and had gun with him but all the time the house was on fire and armed Police Constable remained with him and did not allow him to fire. When Balkrishan Singh asked the Police Constable to open fire on the mob he was told that the rifle was not meant for the Muslims but for the non-Muslims. The whole house was looted and burnt. Many houses were set on fire, and looted. Some stabbing and killing also took place. One family of Dr. Badri Nath Chawla who was a Congressman and three more families of M/s Munshi Ram Gian Chand, one of the biggest mill-owner of Sialkot were mercilessly butchered. For three days arson and looting was in full swing. About four to five hundred non-Muslims were killed during these three days. There was no check upon the looters rather the authorities especially the Police were helping and instigating them. About a lakh of non-Muslims from the town of Sialkot managed to cross the border and enter the Jammu State. It is not at all unlikely that these refugees who had suffered brutalities and loot in Sialkot started trouble in Jammu State.

On 25th August, a convoy of 25 trucks, the drivers of which were all Muslims, were sent from the refugee camp Sialkot Cantt. to Amritsar. When the convoy reached the Ravi bridge near Shahdara it was halted. The drivers, on the plea that they wanted to take tea, went into the town and managed to gather mob of Muslims. Thereafter half of the convoy was made to march. When this half crossed the bridge, the mob armed with deadly weapons halted the convoy and started looting and killing. The escort and the drivers who were all Muslims and were armed left the trucks and stood apart without firing a single shot to frighten the mob. The wounded persons were taken to the Lady Glancy Hospital, Amritsar and were also seen by the Hon'ble Smt. Rajkumari Amrit Kaur who happened to be at Amritsar.

A number of persons in the evacuees camp at Sialkot, wanted to go to Jammu as most of their relatives had gone there. The Deputy Commissioner refused to allow them as he held

that they could only be sent to the East Punjab. In the last week of August, 28 persons were killed in village Chanumon and young girls abducted. In the same week about 1500 persons of village Kuluwal were moved out by the Police, Sambrial Police Station, on the pretext that they would be taken to the camp which was safer for them. When they came on the Upper Chanab Canal about three miles from their village the Sub Inspector whistled and a mob of Muslims that was hiding there fell upon the evacuees and put them to the sword, only a few managed to escape.

On 28.9.1947, persons in Military uniform went to village Ladhar on the pretext of evacuating people. When the evacuees were taken out of the village, two of them were killed, the rest were deprived of their valuables and 12 young girls abducted. On 1.10.47, despite the Police picket two houses in Mohalla Puran Nagar (Sialkot) were looted and two persons stabbed. On 3.10.47, one Master Hakam Singh with his wife, daughter and grand daughter of Mohalla Islamabad (Sialkot) were murdered and their houses looted. On 4.10.47, the house of H.S. Uberoi, Managing Director of Uberoi Ltd. was looted. His Chaukidars were taken to the Police Post B. Division and kept there for the whole of the night. Two trucks were kept engaged throughout the night for the removal of luggage. Every high official knew where the loot was distributed. On 13.10.47, a man and his wife were stabbed by some person in Military Uniform in the bazar. On 15.10.47, three persons of Kotli Lahara were killed as they were converts and wanted to be evacuated. On 3.11.1947. One Bawa was killed in the temple in Kuch S. Shivdar Singh. On 7.11.47, three persons were stabbed and one wounded. In the first week of December, 1947, fourteen persons in village Kharota and 118 in village Markiwal were murdered. In spite of so many cases and requests to the Deputy Commissioner no proper arrangements were made to check these stabbings and murders. No cases were registered and no arrests made.

Shakargarh and Narowal Tehsils

The conditions in tehsils Narowal and Shakargarh were terrible. In village Badomali alone 5000 people were killed and 500 girls abducted. In Kanjroor, tehsil Shakargarh, large scale massacre took place and a number of girls were abducted. Some girls were also kidnapped from village Depoke Police Station Qilla Sobha Singh.

On 21.10.47, Capt. Nabi Klam, S.H.O. intimated that a train of evacuees would run from Sialkot to Jassar and clear off the camp. The Deputy Commissioner was informed that there was a breach of railway line between Jassar and the Ravi Bridge, it would be very difficult for the evacuees to take their luggage on their heads and walk a distance of about two miles to reach the border and also that the evacuees apprehended an attack. The Deputy Commissioner did not pay any heed and said that as the people from Qadian were coming on foot these people also must go on foot. On 23.10.47, the train was sent to Jassar in spite of protests. The evacuees were forced to get into the train and any body who objected was given a beating. At Jassar the evacuees were detained. Huge mob of Muslims had gathered there. Even the evacuees were forced to march and the non-muslims guard who accompanied the train was kept behind and not allowed to fire on the mob when the evacuees were attacked. About 500 persons were killed and 300 girls kidnapped. [Vide document no. 189].

Pasrur and Daska Tehsils

On 11.10.47, village Chahal in Pasrur tehsil was attacked and looted. On 31.10.47, when non-Muslims of village Jattrike were being evacuated, Muslims started looting them in the presence of the military. Two of the looters were shot dead by the Indian Military. This stopped further looting in these tehsils.

Evacuation

Evacuees were not allowed to leave their houses unless they were thoroughly searched by the Police. People were not allowed to bring unsewn cloth. Most of the evacuees were not allowed to take cycles, Radios, sewing machines and type machines. Permits for the removal of the household affects were granted but evacuees were not allowed to operate upon them. Underhand means were used. Their names were put on the notice board and if anybody came with any sort of claim against the applicant he was not granted the permit, unless he paid the man off. Business men were not allowed to take out their records from their houses. Men with big families were allowed to remove only a few beddings and clothes, all the belongings were kept by the authorities without any receipts or inventories.

People leaving for India in trucks were not allowed even to take the needful luggage with them. The trains were so overloaded that the evacuees could hardly stand in them. One train was loaded with 4700 evacuees, and they were not allowed to take even water for drinking purposes from the platform. The supply of water in the pipes was stopped so long as the train remained on the platform.

Pathans began to pour into district in the beginning of November, 1947. They were all fully armed and many of them even carried four to six rifles each and sold them openly in bazars. They got into evacuation trucks forcibly and compelled the drivers to drop them at their destinations. They were also keeping kidnapped girls at their training centres in the town. They looted the non-Muslims and molested their ladies.

One Gurdwara Bawli Sahib in the city has been damaged. As there are number of houses still vacant in the city, the need for occupying the temples and gurdwaras has not been felt. But the gurdwaras and temples in the village have been occupied by the refugees.

On January 12th, 1948, this district was banned¹ to the Indian Military and the District Liaison Officer and his staff had to be withdrawn.

1. Owing to the outbreak of hostilities in Jammu and Kashmir State entry of Indian officials was banned in all those districts of West Punjab (Pakistan) which had common borders with Jammu and Kashmir State.

Supplementary Documents

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Lord Mountbatten to Lord Ismay - Punjab Boundary Award

C.M.A.L.U. Ismay 111/7/130

Government House,
New Delhi.
12 February, 1948

My dear Pug,

In your letter of the 31st January you say that Zafrullah spun a long yarn to Noel-Baker at Lake Success about a communication from George Abell having been found among Jenkins' papers, showing that Radcliffe made his award by the 6th August and that thereafter the award was tampered with to the great disadvantage of the Pakistan and its publication delayed ten days.

It was actually a letter (dated 8th August) and not a telegram which Abell sent to Abbot, Jenkins' Private Secretary. This read as follows:

"I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award, and a note by Christopher Beaumont describing it. There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore district.

The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point."*

Copies of neither of the documents enclosed with this letter are available. Probably they were just a rough sketch and a manuscript note respectively.

You are right in thinking that the boundary line given in this communication was a tentative one, and that Radcliffe did not complete his award finally until the 13th August. You will remember that on the latter date I wrote to Nehru and Jinnah saying that I did not expect that the award would be in my hands until I myself left for Karachi, and suggesting a meeting (which subsequently duly took place) to discuss the award on 16th August.

I am fairly satisfied that there can be no evidence in Jenkins' file to support any accusation that the award was tampered with. I have little doubt that Zafrullah was "trying this on." Nevertheless, I suggest that you should tell Abell about the remarks which Zafrullah made, and that he should then explain the situation to Jenkins, Radcliffe, Abbott and Beaumont, in case this subject is ever raised again.

Your evre
Sd/- Didie

General Lord Ismay GCB, CH., DSO

* Vide Document no. 139

Lord Mountbatten to Lord Ismay

C.M.A.L.U. Ismay 111/7/19/1

Government House
New Delhi.
19th March, 1948.

My dear Pug.

As I promised in my last letter, I enclose a letter to Sir Even Jenkins about the allegations which Pakistan are making in connection with the Punjab Boundary Commission's award.

I leave it to you, after reading this through, to decide whether or not to have it delivered to Jenkins; but I hope that you will, unless you see any overriding objections. Please note the P.S. particularly.

Vernon is sending you a copy of my latest Personal Report which gives more details of the point raised in this P.S.

Yours ever
Sd/-Didie

General the Lord Ismay, GCB, CH., DSO.

Enclosure to No 236

GOVERNMENT HOUSE,
NEW DELHI
19TH March, 1948.

My dear Jenkins,

I have been privately informed that Sir Zafrullah Khan, Foreign Minister and their representative to the Security Council, told a member of the British Delegation at the end of January at Lake Success that he had evidence of the Punjab Boundary Commission's Award having been decided on 6th August, 1947, of it thereafter having been tampered to the great disadvantage of Pakistan; and of its publication having been delayed for ten days.

A similar allegation was made by Begum Liaquat Ali Khan, the wife of the Prime Minister of Pakistan publicly at a dinner party in Karachi towards the end of February to Mr. Gordon Walker Parliamentary under Secretary of State for Commonwealth Relations. I understood from the report of this that copies of the relevant papers had been sent by the Pakistan Government to His Majesty's Government in the United Kingdom, but the latter have since reported that they have not received them.

I understand that the "evidence" quoted in support of this alleged fraud was a communication from Sir George Abell (my Private Secretary at the time) which had been

found among the papers which you left behind in Lahore.

The only letter on my files which appears to bear on this matter at all is one dated 8th August from Abell to Abott, your Private Secretary at that time. This read as follows:-

"I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award, and a note describing it. There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore District. The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point."

I have not got copies of either of the documents which were apparently enclosed with this letter. In all likelihood they were only a rough sketch map and a manuscript note. But this I do not know, because I made it an absolute rule personally to have nothing whatsoever to do with the preparation of the Award.

Indeed on numerous occasions I refused to pass on to Sir Cyril Radcliffe, the Chairman of the Boundary Commission representations which were made to me, both verbally and in letters, putting forward one point of view or another. I made a point of not looking at the maps containing the Award until the day on which they were shown to the Prime Ministers of India and Pakistan.

The information given in Abell's letter quoted above, about the date when the Award would be ready, was, of course, wrong. The final Punjab Boundary Award was not completed by Sir Cyril Radcliffe until 13th August. (As I was on the point of leaving for Karachi, to attend the Independence Ceremonies there on the 14th, when it was submitted; and as the following day saw the Independence Ceremonies in Delhi, I then held up the Award until I could discuss it with Pandit Nehru and Mr. Liaquat Ali Khan on 16th August). I am, of course, unable to say whether any adjustments were made to the previous boundary line between 8th and 13th August. But the assumption that can be drawn is that the line indicated in the documents attached to Abell's letter was only a tentative one, and that it was amended subsequently to "balance" the Bengal Boundary line. There is also the point that Abell was presumably only being used as a channel of communication.

However, I feel, that it is essential that I should now have all possible relevant information on this matter in case Pakistan's allegations are repeated - although I understand that Zafrullah Khan at least has undertaken not to repeat them in public. Could you therefore be so good as to let me know, consulting Abbot as necessary, whether, from your memory, you are able to throw any further light on it? You may be able to remember the particular documents concerned, or there may be others which you left behind at Lahore.

You should also know that Zafrullah Khan has attacked me openly before the Security Council (and has again now undertaken not to repeat these attacks) on the grounds that, as Viceroy, I knew the "Sikh plan", and that knowing it, I failed to take effective action, in the form of arresting the leaders and crushing the trouble-markers, despite previous assurance that I would.

Zafrullah Khan quotes in particular the decision of a meeting held at Delhi, under my Chairmanship, on 5th August, at which it was decided to recommend the arrest, about the time of the announcement of the Boundary Commission's Award, of Master Tara Singh and

other suspected Sikh ringleaders.

I have, of course, the perfect answer to this charge- because it was in agreement with Mudie, the Governor-Designate for West Punjab (as well as Trivedi, Governor-Designate for East Punjab) that you stated your decision on 9th August that the arrest of Master Tara Singh and his "friends" then or simultaneously with the announcement of the Boundary Commission Award, could not improve and might worsen the immediate situation; and that, though it might be necessary to make the arrests if the Sikhs gave very serious trouble, it would be far better to leave them to be dealt with by the new Governments of West Punjab and East Punjab.

I am sorry to trouble you with matters of past history at this time; but the point really is that it is my honour as Viceroy, and not as present Governor General of India, which is involved- and hence the honour of the British Government generally.

I am sending this letter through Ismay, who was of course in the know all the time, so that if necessary you can discuss the matter with him.

Yours very sincerely,
(Sgd) MOUNTBATTEN OF BURMA

Sir Even Jenkins, K.C.S.I., K.C.I.E.

P.S. After the above was written, Liaquat Ali Khan himself, at to-day's Joint Defence Council meeting brought this question up again. He said that the documents concerned showed that it was intended to allot Ferozepur and Zira tehsils to Pakistan. The matter is thus becoming urgent.

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Lord Mountbatten to Lord Ismay

C.M.A.L.U-Ismay 111/7/246

Top Secret

Government House,
New Delhi.
2nd April, 1948.

My dear Pug,

I have telegraphed to you again today about the Pakistan Government's charges of the Punjab Boundary Commission's Award having been tampered with shortly before publication; and the inference that this caused the delay to the publication of the Award. The information that Liaquat intends to publish Abell's letter to Jenkins and its enclosures at an appropriate moment was given to Alan Campbell Johnson by British Press Correspondents on their return from Pakistan.

I hope that you will, by the time that you receive this letter, have made progress towards the preparation of a draft statement ready to be put out in case Liaquat publishes

the documents concerned. You may also have considered whether this statement should be issued by H.M.G. or Radcliffe. This, of course, depends on Liaquat's object - and I am not quite clear what this is. It may be to prove that Radcliffe was a crook or that I (and possibly you) were crooks or that the Government of India had paid us or that H.M.G. were behind it. I do not know. But I am quite ready to surmise, from the violent attacks which Jinnah has made against me personally in conversation, that the main object is to discredit me personally. This, of course, would not matter so much if it did not involve H.M.G. whose representative I then was.

I have, in various previous letters and telegrams, sent you all the facts as I know them. (I am sending you herewith a spare copy of my letter to Jenkins, as this tells the whole story). I hope that these will have given you enough to work on. But of course, the basic reason why I asked you to be so kind as to prepare the statement was because you will be able to consult Radcliffe, Jenkins, Abell, Beaumont and Abbott. The rest of this letter consists of an account of events during the week before 15th August so far as I can remember them. I think you had better once more burn it after you have read it.

You will remember that Eric, you and I all agreed to steer clear of Radcliffe so as to avoid any charges of bringing undue influence to bear on him. It was for this reason that he was given the Comptroller's House and not even asked up to any meals after our initial meetings on his arrival.

You will also remember that we were extremely worried as to the effect of announcing the Boundary Commission's Award immediately prior to the transfer of power. We felt that both sides would be equally dissatisfied and that instead of the 15th August being celebrated as a day of national rejoicing they might well turn it into a day of mourning for the portions of territory which they had lost.

So far as my memory serves me the first indication I had that the Award was almost ready when George Abell informed me (it must have been on 9th August) that he had sent up a note to Jenkins the night before giving him a preliminary forecast of where the boundary was likely to be drawn. He did not consult me before sending off this forecast (nor did he show it to me) because he said that it was done on "staff level" and that he had obtained it from Beaumont (Radcliff's Secretary) merely to give Jenkins an early warning of what was likely to be coming. I might add that none of my present staff nor John Christie, whom I have consulted, knew that the forecast had been sent nor did I see the forecast, so far as I remember.

Again, if memory serves me right George stressed that this was not the final Award since Radcliffe yet had to balance the East and West Pakistan Awards.

About this time I met Radcliffe with you at your house for a drink. The main object of this meeting was to discuss the date of the announcement of the Award. You will remember that I asked Radcliffe whether he could delay his final decision until after the 15th August and you will also remember that he was quite firm and said that he could not delay it beyond the 13th at the very latest. I accepted that it should be sent to my office on the 13th since I was leaving for Pakistan at lunch time and would not have time to see it until I returned on the evening of the 14th which would automatically delay publication until the 15th at the earliest.

In discussion at Karachi I persuaded Liaquat Ali to come to Delhi on the 16th so that the two Governments could have a look at the Award before it was actually published. So

far as I remember he was quite agreeable to this; and so was Nehru.

I shall always be grateful to you for your having cautioned me not to try and bring any direct influence to bear on Radcliffe concerning the actual Award beyond expressing the following general view.

So far as I remember I said to him that the Sikh attitude had become rather worse than we had anticipated, and that when he was balancing up the boundaries of East and West Pakistan I sincerely hoped that he would bear the Sikh problem in mind. I think I went so far as to say that provided he were really satisfied that the overall decision both, East and West, was absolutely fair to both communities, then I trusted that any generosity to Pakistan should be given more in Bengal than the Punjab since there was no Sikh problem in Bengal.

The conversation then turned to the irrigation canals and headworks and so far as I remember he made some comment about having tried and failed to obtain agreement for joint inter-dominion working of the headwork and I think he remarked that the boundary was particularly difficult to adjust round about Ferozepur from this aspect, and I remarked that provided the overall East-West boundaries were scrupulously fair between the two Dominions, it seemed to me that he could make any adjustments necessary for balancing out the boundaries in Bengal and the Punjab.

At this time you will remember we were all working under such terrific pressure that had I not dictated interview notes copiously I should never remember what I had said. In this particular instance I must confess that I did not dictate a record, partly I suppose because of the immense pressure we were then working under and partly because the conversation was of such a very "off the record" nature, and partly because you were present throughout the interview and therefore it was not a question of my having to keep you informed of what I had said.

If I had any idea that this particular and relatively small incident might become a "cause Celebre" I should of course have kept a very accurate record and got it agreed with you and Radcliffe.

If I have forgotten anything or misrepresented anything I hope that you will correct me. I can only say how sorry I am that you should have this extra burden thrust on you at this time. Please keep me informed how things go.

Yours ever
Sd/- Didie

General the Lord Ismay, GCB, CH, DSO.

Edunia sends love to the family and so do I.

From Lord Ismay to Lord Mountbatten

IOR/PFJ/10/119

Out ward Telegram from Commonwealth Relations Office
Political Department (B)
Cypher (Typex)

TO: U.K. HIGH COMMISSIONER IN INDIA
(SENT: 20.15 hours, 7th April 1948)

IMPORTANT**No. 1153. TOP SECRET**

Please pass following for private eyes only to Lord Mountbatten from Lord Ismay, in continuation of telegram No. 1139.

BEGINS: Following is text of letter to you from Jenkins.

"I received your letter of 19th March through Lord Ismay on 3rd April, and have consulted Abell and Abbott about it. It is not easy after eight months and without reference to such records as exist to be absolutely accurate about dates and other details; but the following is to the best of my belief a correct account of what happened in Lahore about the Boundary Commission's award:-

1. The announcement of the award was in my judgement likely to confuse and worsen an already dangerous situation. The Boundary, if it did not follow existing district boundaries, would inevitably leave certain areas "in the air" severed from their old districts and not yet absorbed by their new ones.
2. I therefore asked for such advance information as could be given me of the award, so that the military and civil authorities directly concerned with law and order might make their plans, and if necessary redistribute their forces. My request was not addressed to the Boundary Commission, with whose proceedings I had nothing whatever to do, but to Viceroy's House. I do not remember whether it was made by letter or telegram, or by secraphone, or in talk with Abell during one of his visits to Lahore. But it was certainly made, and in making it I was merely taking one of the routine security precautions recognized as prudent under the British regime.
3. The result was Abell's letter to Abbott of 8th August, which you quote. The enclosures were a schedule (I think typed) and a section of a printed map with a line drawn thereon, together showing a Boundary which included in Pakistan a sharp salient in

the Ferozepur District. This salient enclosed the whole of the Ferozepur and Zia Tehsils. Abell says that the question of giving me advance information was raised several times at your morning meetings and that you approved the information being given.

4. At the time we expected the announcement to be made almost immediately. I therefore warned the G.O.C. Punjab Boundary Force, the Inspector General of Police, the D.I.G., C.I.D. and the Deputy Commissioner of Lahore of the believed intentions of the Commission; and also had special messengers sent to the Deputy Commissioners of Gurdaspur, Amritsar, and Ferozepur giving them the same information. These warnings were of course secret and the three outlying Deputy Commissioners were instructed to burn the messages sent to them, and to communicate the gist of them only to their respective Superintendents of Police. I made it clear that no overt action was to be taken; and that in the meantime all concerned must plan for emergency action. (Ferozepur was a district, and a very important one; its headquarters town was to be included in Pakistan along with two of its Tehsils, while the remainder of the district would be "in the air" with no accommodation for Police, Magistrates and Public Officers generally)? Among those informed the only Indian (in the old sense) was, I think the Hindu Deputy Commissioner of Ferozepur. All the other Deputy Commissioners and all the Superintendents of Police were British.
5. On 7th August, Mudie, who was Governor Designate of W. Punjab came to stay with me. The object of this was to avoid as far as possible a break in the continuity of our law and order arrangements. I kept Mudie informed of everything that was going on. He knew the contents of Abell's letter of 8th August and the arrangements I had made. Mudie and I were both Governors under the old regime, and it would in my judgment have been wrong to deny him information that might be vital to security.
6. About the 10th or 11th August, when we were still expecting the award on 13th August at latest, I received a secraphone message from Viceroy's House containing the words "Eliminate salient". Those informed under the arrangements described in (4) above of the expected boundary were appraised of this change. So also was Mudie. The change caused some surprise, not because the Ferozepur salient had been regarded as inevitable or even probable, but because it seemed odd that any advance information had been given by the Commission if the award was not substantially complete.
7. On 12th or 13th August, I was informed that the award would not be announced until after the transfer of power. Up to the 15th August there was no leakage. As I have said, my proceedings were not unusual, and every precaution was taken to keep them secret.
8. Generally, Government House papers other than (a) routine administration files and (b) factual telegrams which I had despatched daily in the disturbances, were not handed over to Mudie. Most of them were destroyed by my Secretary, Abbott, but

a bundle of my fortnightly letters and other papers of current interest was deposited in Viceroy's House. Abbott assures me that Abell's letter of 8th August and its enclosures were left in the Secretary's safe at Government House, to which only Mudie or his Military Secretary, Lt. Col. Craster, could have access. (Mudie had no "Governor's Secretary" at the time). Abbott says that these were the only documents of any importance so left. He consulted me about destroying them and I told him that as Mudie had already seen them it would be best to hand them over. Mudie was aware that the documents had been left with him and were 'Old Regime' documents. I have no doubt that Abbott's recollection on these matters is correct.

Putting the matter as briefly as possible, the documents to which the Pakistanis attach so much importance contain simply information which I got quite regularly from Abell for purposes of security planning. I know nothing more about them, nor can I say how they get into 'political' hands.

I need not perhaps say much about the 'Sikh Plan.' The New Delhi meeting of 5th August covered, I think, only a report of an alleged plot against Jinnah submitted by me. The decision reached was a compromise between the views of Jinnah (who wanted immediate arrests) and Patel (who opposed arrests). Mudie rejected the compromise because he thought that Patel would not carry out his share in it; that arrests in W. Punjab would be used to inflame anti-Muslim feeling in E. Punjab; and the E. Punjab would refuse to take over and confine Sikhs arrested in W. Punjab. Trivedi, like myself, could see no point in connecting the arrests with the award. At that stage we could only leave the problem to the new Governments. Any 'change' based on these proceedings is very easy to answer. The general charge that we failed to suppress the Sikhs is more difficult; but the critics ignore the facts: (a) that in the Punjab all three communities had plans involving violent action; (b) that their 'plans' were less elaborate than is commonly supposed, and depended on widespread and largely uncoordinated local effort; (c) that because of (a) and (b) effective action to defeat any one 'plan' could be taken only by the simultaneous suppression of all three communities by forces numerically strong and entirely reliable; and (d) that action as in (c) would have implied the detention of nearly all the members of the Executive Council - the leaders of the parties to which we were to hand over - and therefore the postponement or abandonment of H.M.G.'s policy for India. (In any case the forces at our disposal were inadequate and unreliable). This argument could be developed at length by reference to my reports from Lahore. I have said enough to indicate its general line.

I am handing this letter over to Lord Ismay to be forwarded with any comments he thinks desirable."

ENDS.

Copies to: Sir A. Cartor(2)
Private Secretary,
Mr. Gordon-Walker.
Mr. Rumbold.

Lord Ismay to Lord Mountbatten*IOR L/PFJ/10/119*

Outward Telegram from Commonwealth Relations Office
 P.U.S.(B)
 CYPHER (TYPEX)

To: U.K. HIGH COMMISSIONER IN INDIA.
 (Sent 14.50 hours, 9th April, 1948)

IMMEDIATE**No. 1175 TOP SECRET**

Please pass following for private eyes only to Lord Mountbatten from Lord Ismay.

I cannot understand why there should be any mystery about the Boundary Commission award or what there is to conceal. The Pakistan Government appear to imagine that Abell's letter is a wonderful find which entitles them to bandy false charges all over the place. It is nothing of the kind. Surely the sequence of events is quite clear:-

- 1) Jenkins asks for such advance information as may be possible in order to dispose of his forces:
- 2) Abell obtains provisional (repeat provisional) information from 'R' and passes it on to Jenkins, possibly in the haste of those days conveying the impression that it was more definite than it actually was:
- 3) Subsequently 'R' on further consideration, changes his mind in regard to the Ferozepur salient and notifies Abell of this change:
- 4) Abell communicates it to Jenkins.

2. I should have thought that if Liaquat issues any statement making accusations against anyone, it would be open to His Majesty's Government to issue a counter statement on the above lines, accompanied by a statement by 'R' to the effect that the award represented his own unfettered judgement.

3. In any event, I am quite clear that you should keep right out of this, except for seeing that any defamation by Liaquat or anyone else is telegraphed home at once to His Majesty's Government.

4. The Commonwealth Relations Office are in touch with Radcliffe and will telegraph to you shortly. Meanwhile you can set your mind entirely at ease.

Copies to:

Sir A. Carter(2)
 Private Secretary
 Mr. Gordon-Walker.
 Mr. Rumbold.

Lord Mountbatten to U.K. High Commissioner in Pakistan

I.O.R. L/PFJ/10/119

Outward Telegram from Commonwealth Relations Office
Political Department(B)
CYPHER (PUBLEX)

To: U.K. High Commissioner in Pakistan
(Sent 15.40 hours, 12th April 1948)

IMPORTANT
No. 641 TOP SECRET

For Ukcom Karachi No. 641

Lord Mountbatten believes that Pakistan Government possess following letter dated 8th August 1947 from Abell to Abbott (Jenkin's Secretary) *Begins*: I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposes to demarcate in his award and a note describing it. There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore District. The award itself is expected within the next 48 hours and I will let you know later about the probable time of announcement. Perhaps you will ring me up if H.E. the Governor has any views on this point Ends. Enclosures showed Ferozepur and Zira tehsils of the Ferozepur District as going to Pakistan.

2. History of this letter is that Jenkins asked Abell for advance information of award so that military and civil authorities in Punjab might make plans to deal with situation which would arise when award was published. Result was above letter. Subsequently Radcliffe changed his mind about two tehsils mentioned above and Jenkins was informed by Secraphone on 10th or 11th August. Award was presented to Lord Mountbatten on 13th August in form in which it was published on 16th August after discussion between Indian and Pakistan Ministers.

3. Lord Mountbatten understands that Pakistan Government propose to publish documents referred to in paragraph 1 at appropriate moment in order to support allegation that Radcliffe altered his award at the last minute under pressure from Lord Mountbatten or British officers. Please telegraph immediately to us and New Delhi text of anything on this which is published in Pakistan as it will be essential for United Kingdom Government to publish their reply without delay. We hope to consult you shortly on text of reply which we are concerting with Radcliffe.

Copy to:-
Sir A. Carton

Sir G. Laith Waite
Mr. Cumming Bruce
Mr. Gordon Walker
Mr. Rumbold
Political Registry
(3 Copies)
U.K. H.C., New Delhi
by Air Bag

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**Lord Mountbatten to Private Secretary to British Prime Minister -
Arrest of Sikh Leaders**

IOR L/PFJ/10/119

ALLOTTED TO POLITICAL(S) DEPARTMENT

Inward Telegram to Commonwealth Relations Office CYPHER (TYPEX)

From: U.K. High Commissioner in India.

D. New Delhi, 22.50 hours, 28th February, 1948

R. 22.20 hours, 29th February, 1948.

IMMEDIATE

No. 507 TOP SECRET

Our telegram 506. Lord Mountbatten has asked us to forward the further following message. Begins.

Following are extracts of Sir Zafrullah Khan's speeches attacking Lord Mountbatten.

2. On 16th January 'apparently the Viceroy himself, Lord Mountbatten, was aware of what the Sikh plan was. Subsequent confidential reports from the Government of the Punjab to the Central Government which have since been circulated, though they have not been published- they are confidential reports, but they have become available - indicate that the Sikh plan as it is subsequently unfolded itself in actual practice was already known to Lord Mountbatten.

3. On 24th January here is a note which states that this was a plan, and that this plan was known by the authorities beyond any doubt. This note contains a record of certain incidents which were recorded by the P.M. of Pakistan. Early in July 1947 meeting was held in the Viceroy's house to discuss the measures necessary to combat the Sikh plans for creating widespread disturbances in the Punjab. The meeting was attended by Lord Mountbatten and others. At this meeting a British Officer of the Punjab C.I.D. gave a detailed account of how the Sikhs were making elaborate preparations in the Punjab. The

evidence on this point was plentiful and reliable, and there could be no doubt as to the extent of the preparations being made by Sikh leaders, including the rulers of some of the Sikh States. Lord Mountbatten stated categorically that he would use all the force at this command to crush the disturbances. As an immediate precautionary measure it was agreed to by all present - but reluctantly by Sardar Patel that prominent Sikh leaders including Master Tara Singh, the gentleman of the naked sword - should be arrested. The question was also discussed in the Partition Council at about the middle of July, and Lord Mountbatten again undertook to use all the force at his disposal - aircraft, tanks, guns etc. to cursh any such movement. He stated that he had warned the Maharajah of Patiala and other Sikh leaders in the clearest terms. No arrests were made, however. A little later Lord Mountbatten stated that he decided not to arrest the Sikh leaders immediately, but to arrest them a week before the announcement of the Boundary Commission's award. Later he changed his ground again, and said he would strike at them simultaneous with the announcement of the Boundary Commission's award which he stated would be made 11 August 1947 at the latest.

4. You will doubtless have the full record of these speeches readily available.

Copies to:- P.S. Prime Minister,
Lord Privy Seal.

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Lord Mountbatten to Hon. P.J. Neol-Baker

Reference: LOR L/PFJ/10/119

Government House,
The Viceroy's House,
New Delhi
2nd March, 1948

Dear Neol-Baker,

I enclose a copy of a brief which I have supplied to Gopalaswami in case Zafrullah raises the charge against me that I did not arrest the Sikh leaders. Copies were also sent to London but may have missed you there. I am grateful for the strong line you have taken with Zafrullah, but as I have such a cast-iron reply - viz. that the decision not to arrest the Sikh leaders was taken by the Governor of the Punjab and in consultation with the Governors-designate of East and West Punjab and was against my own advice - that I would almost prefer the matter to be ventilated and disposed of once and for all.

Yours sincerely,
Sd/- Mountbatten of Burma

The Right Hon. P.J. Neol-Baker, M.P.

Enclosure to 242

The Refutation of charges in Connection with the Sikhs against the Governor General of India Brief for the Indian Delegation of Security Council

Confidential

1. The charges which have been levelled at the present Governor-General of India, by Sir Zafrullah Khan appear to fall into two compartments, i.e.:-

- a) that, as Viceroy, he knew the 'Sikh Plan': and
- b) that, knowing it, he failed to take effective action, in the form of arresting the leaders and crushing the troublemakers, despite previous assurances that he would.

2. Concerning the first charge, the Viceroy, like any other reasoning and intelligent man, was aware from the very start that, following on the massacres of Sikhs by Muslims at Rawalpindi, trouble could be expected at one stage or another from the Sikh community. On many occasions this matter was discussed between the Viceroy and members of his coalition Cabinet and others - at Cabinet meetings, during private interviews and at meetings of the Partition Council and, later, the Joint Defence Council. No one in the higher spheres of Government, including the Muslim representatives, was under any misapprehension about the Sikh problem.

3. As far back as 26th April, 1947, the Viceroy told Mr. Jinnah, then President of the Muslim League and now Governor-General of Pakistan in an interview that he had become convinced that any attempt to impose a mainly one-community Government on the Sikhs would produce immediate armed retaliation which might end in civil war. To this Mr. Jinnah replied that he thought that the Viceroy's talk with the Sikh leaders must have had good effect, since he had a private emissary from Giani Kartar Singh with the suggestion that they should hold discussions about a 'Sikh State' joining Pakistan after partition; he had accepted Kartar Singh's offer to come to Delhi to see him. Mr. Jinnah went on to claim that the Sikhs liked him personally and had always trusted him, and that he had stated publicly that he would support the Sikhs against the Muslims any time that any Muslims took unfair action against the Sikhs.

4. About a week later, on 2nd May, 1947, the Viceroy again discussed the Punjab problem with Mr. Jinnah and Mr. Liaquat Ali Khan. Both asked why a Muslim League Government should not be formed in that Province. In the course of his reply, the Viceroy pointed out that, if the Punjab were to go out of Section 93 Government, it would be doing the Muslims a bad turn as the Sikhs might fight them. Mr. Jinnah and Mr. Liaquat Ali Khan accepted this view.

5. Among the last of these interviews was that of 5th August, 1947, (which Sir

Zafrullah Khan erroneously stated to have taken place early in July), at which Sardar Patel, Mr. Jinnah, Mr. Liaquat Ali Khan and Captain Savage of the Punjab C.I.D. were present. The last-named had brought with him some evidence bearing on the plans the Sikhs were preparing. Indeed this was about the only detailed and factual evidence that was ever procured, since the intelligence departments on which the government of India had relied in the past were working under great handicaps due to the rapid decrease in the number of experienced British Officers, the temporary lack of experienced Indian Officers to take their places, and the general disarrangement due to partition.

6. The particular plots which Captain Savage claimed to have unearthed were, first, that some young Sikhs were planning to blow up a special train carrying Pakistan Government personnel from Delhi to Karachi; and, secondly, that Mr. Jinnah was going to be assassinated during the ceremonies at Karachi on 14th August, the day before the transfer of power. It was understood that a bomb was to be thrown at him during the State Drive through the streets.

7. So far as the first of these plots was concerned, a discussion followed as to whether the Pakistan Government specials should be allowed to proceed or not. Mr. Liaquat Ali Khan stated that he had given directions for all the Pakistan trains to take every possible precaution; concerning this particular train, which was believed to be in particularly danger of attack, he had insisted that it should go none the less, but had strengthened its military escort and arranged for the Inspector-General of Police to be informed. He now reiterated this insistence.

8. So far as the second plot was concerned, the Viceroy, whilst of course expressing great concern at the possibility of Mr. Jinnah's assassination, did not feel that, on the strength of the information that Captain Savage had produced, the danger of this was sufficient to cause the cancellation of the Karachi ceremonies. He had arranged to accompany Mr. Jinnah, in an open car, in the State Drive through Karachi on 14th August. This he subsequently did.

9. To return, however, to the meeting on 5th August (of which the full record is in the ex-Viceroy's files). Mr. Liaquat Ali Khan went on to give his opinion that the Sikhs were likely to react on the announcement of the Boundary Commissioner's award. After further consideration of the matter, the meeting accordingly decided unanimously to recommend that Master Tara Singh and other suspected Sikh ringleaders should be arrested at about the time of the award and a letter to this effect should be sent to the Governor of the Punjab, who was the person he agreed with it, putting it into effect.

10. This brings us to the second of Sir Zafrullah Khan's accusations, and the first part of this concerns the failure to arrest the Sikh leaders. As just stated, a letter, dated 5th August, 1947, was sent to the Governor of the Punjab. An extract from this letter reads as follows:-

"It was agreed that there would have to be a common policy in the matter and H. E. said that he would ask you to discuss the matter with Sir Chandulal Trivedi and in due

course with the Premier of East Punjab and the Premier (as soon as he is chosen) of West Punjab. It was recognized that you might wish for a little more time to consider the matter and possibly after your discussions to make other recommendations."

11. Thereply to this letter was written on 9th August, 1947, and the opening paragraph reads as follows:-

"I have now discussed this matter both with Trivedi and with Mudie, and we are all agreed:-

- a) that the arrest of Tara Singh and his friends now or a simultaneously with the announcement of the Boundary Commission's award could not improve and might worsen the immediate situation; and
- b) that though it may be necessary for me to make the arrests after the announcement of the award and before 15th August, 1947, if the Sikhs give very serious trouble, it would be far better to leave them to be dealt with by the new Governments of West Punjab and East Punjab."

12. The Viceroy judged that the views of the man on the spot, particularly as they included the future Governor of the Pakistan Province concerned, Sir Francis Mudie, should be accepted, and action was therefore left to their discretion.

13. Finally, there is the charge concerning the failure to use force to crush disturbances. The Viceroy at all times made it perfectly clear that, so long as the responsibility was his, he would use all the means at his disposal, to achieve the immediate object, but it must be borne in mind that he was speaking in his capacity as Viceroy with direct and absolute authority; after 15th August, 1947, as Constitutional Governor-General, this authority was no longer vested in him, and the personal responsibility for carrying out any such action was removed from him as from that date.

14. Sardar Baldev Singh, as Defence Minister of the Indian Interim Government, was fully aware of the Viceroy's policy in this matter, as indeed were the other members of the Cabinet. In the middle of May, G.H.Q. India was instructed to move an extra Infantry Division into the Punjab. Further troops movements were made after that date. By mid-August, the troops concentrated in the Punjab totalled 55,000 officers and men, composing a joint inter-Dominion force. They had with them such tanks and armoured cars as could be provided from an Army that was in the throes of reconstitution: the employment of artillery and aircraft, however, in the suppression of internal disturbances is most reluctantly embarked upon by military authorities, due to the inevitable loss of large proportion of innocent lives, and for this reason, with the full agreement of the Prime Minister of Pakistan, those weapons were not used.

15. In conclusion, therefore, the Viceroy was from the start of his term of office aware that trouble from the Sikh Community was threatening: this knowledge he shared with his Cabinet and his advisers and he took frequent opportunity to remind them of it. But to say

that he was aware of any plan is incorrect, since, for the reasons stated above, almost no details were known to the intelligence departments. That no arrests were made was result of the judgment of the authorities in the Punjab who included the Governor of the future Pakistan Province of West Punjab. Finally, a large force was provided for internal security duties, which were carried out, under conditions of great stress, with ability and firmness.

1st March, 1948

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Causes of Bloodshed and Disturbances - Lord Ismay to Col. Erakine-Crum

C.M.A.U.L. Ismay papers
Ismay 111/7/40

10, Lowndes Court,
Lowndes Square, S.W.I.
17th September, 1948

My Dear Vernon,

With reference to the attached letter from Joan Keans, I cannot say that I agree with the conclusions to the Viceroyalty Report. (Letter not attached here).

As I see it in retrospect, the principal reason for the massacres in the Punjab and Delhi was not that the number of troops was inadequate, but that the troops failed to do their duty. The root cause of the trouble was that the Indian Army bereft of its British officer, ceased in the space of a moment to be an impartial force, and that the troops themselves were unwilling to take action against their own co-religionists. They might have done so if they had categorical orders from their own political chiefs that they were to perform their duties with complete impartiality, and that they would be supported by the Civil power in any action that they found it necessary to take against their own kith and kin. But they were given no such lead.

On the question of whether power was transferred in too great a hurry, I think that there were three reasons which made any other course highly dangerous, if not impossible, namely:

- (1) Communal tension throughout the country was extreme.
- (2) The power to deal with disturbance had almost ceased. (An exhausted, depleted and frustrated Civil Service on the one side, and only a handful of British troops on the other).
- (3) Most important of all, Nehru specifically said that unless the Moslem members were dismissed from the Interim Govt, he would resign. The position would then have been impossible, having special regard to (2) above.

Naturally, I do not expect Lord Mountbatten to alter his conclusions, which clearly must be his own personal estimate of the position, but, at the same time, there should, of course, not be any inference that I agree with them.

Yours ever
(Sd/-) Ismay

Lieut-Colonel V.F. Erakine-Crum, CIE, MC
Thornham Cottage,
Henley-on-Thames, Oxon.

SUPPLEMENTRY DOCUMENTS - II

244

CAB 127/98

Private copies of Sir S. Cripps

SECRET

NOTES OF A CONVERSATION BETWEEN
SIR STAFFORD CRIPPS, MAJOR SHORT AND MAJOR WYATT,
MARCH 20TH, 1946
MR. F. F. TURNBULL AND MR. G. B. BLAKER WERE PRESENT.

Major Wyatt said that he had been having conversations with various members of the Muslim League who had recently been in touch with Mr. Jinnah and from these conversations he had gained the impression that Mr. Jinnah would be willing to negotiate on points of detail so long as principle of Pakistan was admitted first. He would do all he could to secure reasonable settlement with the Congress Party but, if a reasonable settlement proved impossible, he was quite prepared to fight. Agents of the Muslim League were already contacting soldiers in Punjab as they became demobilised and organising them in case a fight should be necessary.

2. Major Wyatt was convinced that there was no contact between the organisations of the Muslim League and the Communist Party. There were, naturally, some communists who were members of the Muslim League, and the Muslim League was using the Communists for its own purposes in some cases.

3. Major Short, during similar conversations, had come to the conclusion that Mr. Jinnah would be prepared to accept a very modified Pakistan, even excluding Calcutta, in certain circumstances, so long as it was agreed that he should have a Pakistan as a separate state. He would even be prepared to concede a Sikhistan as a separate state from Pakistan. (He had very faint hopes that Sikhistan would stay within the orbit of Pakistan.) Once this Pakistan had been established, it might be possible for Mr. Jinnah to work for a Federation of Sind, the North-West Frontier Provinces and Baluchistan. Once that was achieved, he might well be prepared to come into a confederation of all India if that confederation could be called by some other name.

4. From conversation with Sikhs, Major Short concluded that they were very much of the same frame of mind as the Muslim League. They wanted a separate Sikhistan

and if the principle of such a state were conceded they would be reasonable in the negotiation of details. They wanted to be a buffer state between Pakistan and Hindustan and were confident of their ability to hold the scales between the two. (These Sikhs were members of the Akali Party.)

5. The possibility was then discussed of a liaison between Sikhistan and the Rajput States. This idea would be explored on a future occasion. Major Short was convinced that Mr. Jinnah would concede Amritsar to Sikhistan.

6. It was suggested that it would be helpful if a young Sikh representative could accompany Master Tara Singh when he came for discussions with the Mission.

7. From these conversations with members of the Muslim League and with the Sikhs, Major Short and Major Wyatt were both of the opinion that it would be preferable for conversations to take place between the Indian Parties themselves unofficially before any formal committee with a British representative on it was set up on a high level to discuss the question of Pakistan and minorities.

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CAB 127/100

Statement of Master Tara Singh handed to H.E. the Viceroy

18.4.1946

SIKH CASE.

- ASSUMPTION :-
- (a) Federal Government for the whole of India (British and Indian).
 - (b) Federal Independent Governments for regions with small Executive Council consisting of delegates from various federations to administer defence, foreign affairs and trade.
 - (c) Sovereign and independent states for regions predominantly Muslim and non-Muslim with inter-se treaty alliances.

A. In case of (a) Sikhs would want :

1. Special representation in the United Punjab, 40% Muslim, 30% Sikhs, 30% General in the Legislative, Executive and Administrative bodies and services of the Provinces.
2. No majority rule by any one community in the Federal Government.
3. 6% representation in the Federal Legislature and services and 9% constitution making body.
4. At least one Sikh in the Federal Executive nominated by the Sikh members of Federal legislatures.

5. 14% Share in the Defence Services of the country.
6. No majority of any one community in the Constitution making body or in the Interim Government. Sikhs to get 6% representation in the Constitution making body. Decisions in the Constitution making body to be taken by 75% votes. In Sikh matters Sikh majority decisions to be valid.

B. In case of (b) the Sikhs would want :-

1. Abandonment of majority population theory.
2. Division of the Punjab as to create a homeland for the Sikhs based on the location of their sacred shrines and important historic places and their vital economic interests.
3. Government to be non-theocratic, non-religious but parliamentary.
4. 25% representation in the regional Constitution-making body, Federal legislature, services, confederation and other international organisations.
5. 35% representation in the Defence Forces of the regional Federation.
6. 25% share in new Colonisation schemes and similar other schemes of economic development in the region.
7. Prime Minister to be elected by all the elected members to the Federal legislature.
8. Sikh Ministers to be elected by the Sikh elected members only.
9. Supreme Court to adjudicate on points of difference and
10. The right to secede to Sikhs homeland from the regional federation.

C. In case of (c) the Sikhs would want :

1. A separate Sikh Federation comprising (2) in part B, and all the Punjab States, excluding Bahawalpur, Khairpur and Tehri Garhwal.
2. A separate constitution making body.

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CAB 127/101

11.6.1946

SITUATION REPORT ON THE SIKHS

1. To reinforce what was said about the Sikh position to Baldev and Tara on the 6th, it was suggested I go with Baldev to Lahore on the 7th.

2. It occurred to me that this might defeat its own end. We might appear too anxious to appease. We might undermine rather than strengthen Baldev's hand, by lending colour to one of the principle charges laid against him by other Sikhs leaders - that he has been bought by power and ourselves.

3. Finding Baldev, unprompted by me, of the same mind, I took the liberty of following his alternative suggestion. It was to go to Simla on the 7th, and there take counsel with Sirdar Sahib Sant Singh, now Chief Minister of Nabha, once my civilian

colleague (1940-42A.D.), and one upon whose friendship and wisdom Baldev relies. Baldev's hope was thus all the better to equip Sant to go to Lahore in my place and there to lobby discreetly on Baldev's behalf.

4. I saw Sant early on the morning of the 8th.

5. His objection to go to Lahore, already put to Baldev, was essentially mine. He felt he was too well known as our intermediary with the Sikhs in the past, and as my closest Sikh friend, for his appearance there not to produce the same effect as would have mine. And in any case Baldev had just rung up from Lahore to confirm that objection, and to add that the Sikh mood seemed now to have hardened beyond any help Sant could give to soften it.

6. So it was decided Baldev must fight his battle alone.

7. Which, I found, had been Sant's view from the start. And as well, that Baldev must fight in this manner. First Baldev, to silence those who attribute his attitude to love of power and us, must place his resignation from his Ministership before Tara. Then he must play for no more than delay - by suggesting a Sub-Committee of Action together with another of Negotiation - the former to let off, and the latter to Shut off, steam - but this, of course, to be left unsaid.

8. For our part, Sant was, and always had been, resolutely against our issuing the least alteration or addition to our Statement, at the request of anyone, the Sikh included. Or there would be no end to such requests, and especially from the minorities. And the upshot could not but be to put all back to where we started, but in a last state infinitely worse than the first.

9. He did however, favour Jinnah being pressed to make a statement, and of this effect - that he sympathised with Sikh fears, they being so akin to his own; and therefore he would at once assure the Sikh that he had no intent whatsoever to steam-roller any objection upheld by the majority of the Sikh representative in the Constituent Assembly - that, in short, in practice he would give the Sikh, in the constitution-making of Group B and the Punjab, the same right he had himself obtained, vis-a-vis the Hindu, in the Union Constituent Assembly. But all this subject to H.E's convenience as touching the larger political issue, and only the sooner the better as touching the Sikhs.

10. As well; Sant threw out another suggestion of much wider import. Holding that the root of every query of our Statement raised by every part boiled down just to this - "Is the Constituent Assembly a negotiating body (when it suits us) or a voting body (when it suits us)?" but believing himself that it is fundamentally a negotiating body; he thinks it would be most salutary, for all concerned and ourselves not excluding, were it boldly said at once that constitution making is fundamentally a matter of negotiation; but provided it be said, not by us, but, via a critique in the Press, by a notable and a notably independent authority on constitutional history and practice. For this, he suggests, we have at hand the very man - Sir Maurice Gwyer.

11. Such a critique, thus handled, he submits, we could fairly admit, by simply letting it pass unchallenged. Nor could any party question it without openly exposing its desire to have things both ways - negotiation, when it suits, the power to out-vote, when it suits. Thus all parties, obsessed by weightage and weighted voting as they are, must be brought, gently yet inexorably, fact to face with the hard reality - that constitu-

tions are made by accomodation. Thus communalism, running riot now just because to these obsessions and the consequent failure to face that hard reality, must be checked, in general, but in very particular as between Punjabi Muslim and Sikh. Thus even the Sikh might be made to pause, to take thought in fresh hope. And finally H.E. would be provided with an extra reserve to call in when and whenever, Indian obsession with communal weightage and voting begins.- (as over and over again it must begin, Sant believes) to wreck the constituent Assembly's progress.

12. As to when the Sikh's present temper was likely to become an active manner, Sant said he know his community too well to predict a date. But he did feel that they were likely to touch-off at any time now, and that Baldev was fighting against hopeless odds. But should they touch - off, he believed good would ultimately come of it. The present intemperate Punjabi-Muslim communalism, and the present misguided Sikh ardour, must be jointly cooled.

13. In conclusion, I would say that Sirdar Sahib Sant Singh is the only Sikh known to me, other than Baldev, who approaches, if he does not easily pass (as is my belief), the standard of statesmenlike Sikh for which H.E. searches.

(Signed)

J. M. Short

11.6.1946

P.S. (Post Script by hand)

That Baldev must run some distance with the present Sikh hare in order to hunt up hounds to run it down, seemed to Sant as to me obvious.

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CAB 127/101

SECRET

**RECORD OF MEETING OF THE CABINET DELEGATION AND HIS
EXCELLENCY THE VICEROY ON 18TH JUNE, 1946, AT 10A.M.**

I. The Secreatry of State reported orally the main points of the conversation which he and the First Lord had, had with Mr. Jinnah on the previous evening. This conversation is reported in a separate note of the interview by the Secreatary of State.

The Secretary of State said that he and Sir Stafford Cripps had seen Maulana Azad as arranged on the previous day. He had raised the three points which Rajagopalachari had warned them were troubling Congress. These were :-

1. The selection of Sardar Nishtar; the secretary of State did not think that this was likely to cause serious trouble though the Congress had sent for Gaffar Khan to discuss it.

2. The exclusion of Sarat Chandra Bose. To this the Congress clearly attached considerable importance. He had told Azad that if the Congress decided that Mahatab must be kept in Orissa, Azad could discuss the question of who should take his place with the Viceroy. He had not committed the Viceroy in any way but had said that he was sure the Viceroy would give weight to the wishes of Congress.

3. The appointment of a Muslim to fill one of the five Congress seats. Azad had not mentioned Zakhir Hussain but it was understood that he was the man they had in mind. The Viceroy said he did not think that Jinnah could object to the inclusion of Zakhir Hussain. At the first Simla Conference when the Congress had talked of including a Muslim in their own quota Jinnah had not raised any objection.

There was some discussion of Mr. Jinnah's point that he should be given an assurance that if the Muslim League came in; the Congress would not be allowed to exact an unfair proportion of the best portfolios as the price of their coming in also. The Secretary of State said that there were two alternatives. One was to get the portfolios agreed before the final acceptance of each party, and the other was to insist on both parties accepting before discussing portfolios at all. Sir S. Cripps said that the Statement of the 16th June said that the portfolios would be decided after acceptance.

The Secretary of State said that he had told Mr. Jinnah that the Viceroy would arrange to see him today. With Maulana Azad the initiative had been left to him. It was agreed that it would be best for the Viceroy to see Azad first if possible as the interview might affect the reply to Mr. Jinnah in regard to portfolios.

II. The meeting considered a revised memorandum on the Advisory Committee on the Rights of Citizens, Minorities and Tribal and Excluded Areas. It was agreed that the memorandum was generally suitable but it was felt that it should be more specific as to the communal composition of the 12 original members of the Advisory Committee. They would be important because they would co-opt the other members and would also be the common element in the bodies which would consider the four separate categories of work to be undertaken, i.e. in respect of (a) rights of citizens and minorities, (b) proper provision for the excluded areas, (c) arrangements for the tribal areas on the North-West frontier, and (d) arrangements for the tribal areas on the North-East frontier.

The First Lord said that he felt that the Ambedkarite Depressed Classes should be included in the 12. He felt some regret that they had not been included in the Interim Government instead of a Parsee. The Viceroy said he sympathised with this view but there was great difficulty in finding a competent administrator among the followers of Dr. Ambedkar.

It was agreed that Mr. Menon should be asked to get out a proposed composition of the 12 members of the Minority Committee.

III. Mr. Turnbull said that Major Short had seen Baldev Singh on the previous evening. Baldev Singh had said he was willing to accept the invitation to serve in the Interim Government but would have to do so subject to reservations. Major Short had advised him to get in touch with Sir Evan Jenkins as to the character of his reply. Baldev Singh had then raised the question of what his position would be in respect of

the elections to the Constituent Assembly. Would he by joining the Interim Government be debarred from taking part in these elections. Mr. Abell said that he thought that an individual could not be a member both of the Central Legislature and the Provincial Legislature and that as members of the Government of India had to be nominated members of the Central Legislature they would have to resign from the Provincial Legislatures. It was felt that this might give rise to some difficulty and Mr. Abell undertook to look into the legal position. He thought it might be possible not to nominate new Members of Council to the Central Legislature for a week or two and, if so, some arrangement might be made whereby members of the Interim Government could participate in the Constituent Assembly elections.

IV. The First Lord raised the question of the use to which the memorandum on minorities could be put. He thought that there might be a strong attack in Parliament in regard to minority protection. It was agreed that while the memorandum contained nothing which we could guarantee it could be used as an indication of what we had in mind. It was felt that if the substance of it was to be disclosed in Parliament it would be valuable to let the leaders of the two main parties know what it contained before anything was said in Parliament.

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CAB 127/101

**NOTE OF INTERVIEW WITH SARDAR BALDEV SINGH
ON 28TH JUNE 1946**

1. He asked what the position was about the Interim Government, and I explained to him that the official care-taker Government which it was proposed to set up; was a purely temporary arrangement, and that negotiations to form an Interim Government representative of the parties would be resumed as soon as possible.

2. He then enquired about the statement put out by Azad in today's papers, which alleged that certain guarantees had been given to Mr. Jinnah with regard to the formation of the interim Government especially in the matter of the selection of the minority representatives. I told him that these guarantees applied only to the statement of June the 16th, which had now lapsed.

3. He spoke of the excited state of the Sikhs, and said that he had been endeavouring to press a moderate view on them, but found himself in a minority of one. He had been carrying out negotiations with Congress for guarantee of the Sikhs; and he said that Congress would write him letter giving certain guarantees in section B. I asked whether such a guarantee by the Congress could not be used to obtain some guarantee from the Muslim League. He said that Mr. Jinnah's price was too high, since he required the support of the Sikhs towards weakening the centre, particularly in the matter of the financing of the centre by contributions from the Groups rather than by directed taxation.

4. He said that the Sikhs would not boycott the elections to the Constituent Assembly, but were not prepared to accept the statement of May 16th, since it gave them nothing. He admitted that a few extra seats in the Constituent Assembly would have made no difference; his complaint was that they had not been given the same right as a community on decisions on major communal issues as had been given to the other two communities mentioned in the statement.

5. I pointed out to him that if the Sikhs did not accept the statement of May 16th, they would, on the wording of paragraph 8 of the statement of June the 16th, not be eligible for participation of the formation of a new Government. I said that both the other parties had accepted the statement with all sorts of reservations, and enquired whether the Sikhs could not accept the statement after stating all their objections to it. He reiterated that this would be impossible for them; but would not the fact that they had elected representatives to the Constituent Assembly be a sufficient acceptance? I said that I was not a lawyer and that while I as a plain man would probably be prepared to interpret the fact that they had elected their representatives to the Constituent Assembly as qualifying them for participation in the Government, I thought that strict legal interpretation would not be so and that strict legal interpretation rather than commonsense seemed to be the ruling factor in these negotiations. He said he entirely agreed, he was not a politician or a lawyer himself, and he did not understand all these fine legal points and interpretations.

He was quite friendly, and gave me the impression that the Sikhs would not take immediate action, but would elect their representatives to the Assembly and try to line up with Congress to oppose the Mulsim League.

Id/-Wo
28.6.1946

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CAB 127/101

SECRET

**RECORD OF MEETING OF CABINET DELEGATION HIS EXCELLENCY;
THE VICEROY ON FRIDAY, THE 28TH JUNE, 1946, AT 10 A.M.**

The meeting considered a request from the Secretary of the Congress Working Committee for the publication of a substantial list of correspondence between the Congress and the Delegation. It was agreed that in view of this request it was desirable to publish the whole correspondence with both the Congress and the Mulsim League. It was agreed that the request to publish a letter from Mr. Gandhi should be resisted on the ground that Mr. Gandhi was not an official representative of the Congress for the purpose of the negotiations. It was agreed to ask the Congress to agree to the publication of their confidential letter of the 14th June and the Viceroy's reply of the 15th June

in regard to the inclusion of Sardar Nishtar in the Interim Government though these letters were marked confidential the Viceroy's reply was quoted verbatim in the Congress President's letter of the 25th June.

It was agreed that a footnote should be attached to the Viceroy's letter of the 30th May to Maulana Azad to indicate that this letter had been shown to Mr. Jinnah at a personal interview with the Viceroy.

It was agreed that the full correspondence with Mr. Jinnah should be published including the letter giving an assurance to Mr. Jinnah as to equal treatment for both parties. It was felt that it would be undesirable to ask Mr. Jinnah's concurrence to the inclusion of the last paragraph which requested him to keep this assurance secret.

The First Lord said that it was desirable that Mr. Abell's letter to Jinnah of the 21st June asking him to give the Muslim League's reply to the Statement of 16th June by Sunday the 24th June if possible, and, if not, by 25th June, should be included. This was agreed to.

As regards the Sikhs, it was agreed that the resolution of the Sikh Panthic Conference and the correspondence between Tara Singh and the Secretary of State should be published.

The White Paper should include the letter from the Chancellor of the Chamber of Princes and the Press Statement.

It was agreed that it would be better not to publish the correspondence with Dr. Ambedkar or the resolution of the Scheduled Caste Federation. If this were published the resolutions of the Anglo-Indians and the Indian Christians and possibly others would have to be included.

Major Short has had an interview with Giani Kartar Singh. Giani Kartar Singh is most anxious that it should not become known that he has been to see Major Short. The points he made were as follows :-

1. Baldev Singh can only accept the invitation to serve on the Interim Government if he gives a qualified acceptance. The qualification would be something to the effect that as a Sikh he must be free to work to have the statement of May 16th modified to meet the claims of the Sikh community.

2. That the Sikhs do not attach much hope to the possibility that assurance will be forthcoming from the two major communities that in Group B the Sikhs can have the right of communal voting on matters which affect the Sikh community. They would, however, be satisfied if the Viceroy could obtain these assurances from the two parties. (Their claim appears to be that communal voting should apply to any matter which affects the Sikh community but, in fact, presumably any assurance of this sort could not go further than saying that any resolution in the Section Constituent Assembly which raises a major matter affecting the Sikh community's communal interests would require a majority of the Sikhs present and voting and there would have to be some impartial machinery for deciding which resolutions did raise such matters. Possibly the Chief Justice of the Punjab might be the arbitrating authority).

3. The Sikhs also wish to have the right of communal voting in the Union Constituent Assembly in respect of three matters -

- (a) Their position in the Armed Forces.

- (b) Their position in the Civil Services in India.
- (c) Their right to representation in the Central Legislature and to at least one representative in the Union Executive.

Giani Kartar Singh said that unless the Sikhs had a fairly quick assurance in respect of (2) above and unless they had it from the Viceroy, they would find it hard to hold the Sikh community for more than another month.

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CAB 127/106

THE SIKH MUSLIM PROBLEM IN THE PUNJAB

1. Once the constitution-making machinery begins to work, the Sikh-Muslim problem in the Punjab is likely at an early stage to produce a deadlock, and perhaps an explosion. In fact this is where the gravest danger lies of an outbreak of violence.

2. The crux of the problem is "who is to take the Punjab?" Numerically the Muslim have a clear majority (about 57%), but under the existing constitution, owing to weightage given to the Sikhs, it is impossible for them to form a Government without either Sikh or Hindu co-operation. The Sikhs want the new constitution to be drawn up so that communal Government i.e. a pure Muslim Government, will be impossible and so that they, as the third party, will hold the balance. The Muslim wish to enjoy the clear majority to which their numbers entitle them. Thus this is reproduced on a small scale between Sikhs and Muslim in the Punjab exactly the same position as exists on an all-India scale between Muslim and Hindus.

3. Muslim League leaders have not yet faced up or applied their minds to the Sikh problem. The need for them to do so has been made more urgent owing to the Sikhs having been left in a hopeless minority and quite without protection in Section B of the Constituent Assembly. They have not been granted the power of veto allowed to the Muslim in the full Constituent Assembly, and this has made them desperate and inclined to precipitate of crisis. Unless pacified, they will probably take decisive steps as soon as Section B meets, if not before.

4. There are two ways in which the Sikhs might be pacified, viz:-

- (i) by granting them statutorily a share in the execution Government of the Punjab and in that of the Section B Government, if it comes into existence,
- (ii) by partition of the Punjab so as to form a predominantly Hindu-Sikh province of eastern Punjab.

5. It is up to the Muslim to accept one or other of these alternatives. Unless they do so at an early stage i.e. at the very outset of the Section B deliberations, there is bound to be Sikh agitation and violence in the Punjab of a very serious kind. Lobbying should therefore start without undue delay to bring Sikhs and Muslims together.

6. In view of the serious danger of a Sikh-Muslim clash, early consideration

should be given to the question what form of Government we should aim at in the Punjab to meet such an eventuality. British interest lie

(i) in avoiding a clash altogether, if possible,

(ii) in avoiding responsibility for suppressing the Sikhs.

These interests can probably be best secured by establishing in the Punjab a Sikh-Muslim League Government or failing that a Mulsim League Government.

P. Moon
29.6.1946

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Premier 8/541 Part 7

SARDAR BALDEV SINGH

He has been prominent in Punjab politics at least since 1941, when he became a Minister in the Provincial Government. In the same year he concluded, on behalf of the Sikh community, a pact with the Punjab Premier fixing the proportion of Sikhs in Government appointments etc.

Very broadly, the Sikhs are divided politically between

(a) The Akalis and others who emphasise the distinctive character of the Sikhs and work for the protection of their rights and culture on a communal basis, and

(b) The Nationalists who accept the leadership of Congress.

Sardar Baldev Singh has been the leader of the Akali Sikhs in the Punjab Assembly; but he is a moderate, and has shown sympathy with Congress with whom, and with the Unionist Party, he joined in forming a Coalition Ministry in the Punjab after the elections last Spring.

On September 2nd he entered the Interim Government as the Sikh representative. He holds the portfolio of Defence.

In the negotiations during and since the Cabinet Mission's visit the chief preoccupation of the Sikhs has been to avoid being put under majority Mulsim rule in Pakistan. It has seemed to them that Group B (the Punjab, the North-West Frontier Province, Sind and Baluchistan) envisaged by the Cabinet Mission's Statement of May 16th would similarly be dominated by Muslims and therefore a hardly less objectionable alternative. For this reason they have urged that the Mission's proposals should have given the Sikhs, in view of their importance in the Punjab, either weightage in Section B of the Constituent Assembly, viz. more than the four representatives out of thirty-six to which they were entitled on the populations basis adopted by the Mission or the same right in the Union Constituent Assembly, in Group B and in the Punjab as had been given to the Muslim in the Union Assembly, namely that no decision raising a major communal issue affecting the Sikhs could be taken without the support of a majority of the Sikh representatives.

In reply it was pointed out to them

- (a) that by avoiding partition the Mission's proposals had steered clear of the worst alternative from the Sikh point of view since partition would involve the Sikhs being divided between two states. Provision might provoke requests from various other interests in Group B and elsewhere, and if this right were given to all communities the Constituent Assembly would be rendered incapable of taking decisions.
- (c) that weightage could not be given to an extent which would prevent the Sikhs being outvoted, but that it is inconceivable that any Constituent Assembly which is seriously endeavouring to frame an acceptable constitution for the Punjab could disregard the claims of the Sikhs, whose contentment will be necessary to any workable solution.

It was their dissatisfaction over this issue which led the Sikhs to reject the Mission's plan and to declare a boycott of the Constituent Assembly elections. On August 14th, however, they reversed this attitude, announced their decision to enter the Constituent Assembly (to which their four representatives have since been elected) and declared that during the preliminary meeting of the Assembly the Sikh representatives would raise the question of the desired safeguards in regard to voting on major communal issues. The main factor which influenced the Sikhs in taking this decision appears to have been a resolution which had recently been passed by the Congress Working Committee which declared that Congress would give all possible support to the Sikhs in redressing their legitimate grievances and in securing adequate safeguards for their interests.

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Premier 8/541 Part 7

OUTWARD TELEGRAM

CIRCULATED TO THE CABINET.

Political Department, (10)

CYPHER TELEGRAM (O. T. P.)

From Secretary of State for India
To Viceroy
Despatched 21.00 hours, 18th November 1946

MOST IMMEDIATE

NO. 20253.

TOP SECRET

Following is text of passage for inclusion in letter of summons of Constituent

Assembly referred to in my immediately preceding telegram. We regard this as absolute maximum we can say because in last resort we are not in a position to compel Constituent Assembly to adopt any particular procedure.

Begins, "I may remind you that the purpose of the Constituent Assembly is to frame a constitution for a Union of India on the basis and by the procedure proposed by the Cabinet Mission and H. E. the Viceroy in the official statement repeat statements issued by them during the presence of the Cabinet Mission in India. In particular I would remind you of the intention of His Majesty's Government that the Sections of the Constituent Assembly should be free to settle their own procedure for determining the matters allocated for decision by them and that in default of agreement otherwise within each section between the representatives of the two major communities and in the case of Section B the Sikh community, the decisions of the Sections should be taken by majority vote." Ends.

If you feel that reference to Sikhs is better omitted we are ready to accept your judgment but we feel that for this purpose they should be recognised as a party whose agreement is required.

Copies to :- Sir D. Monteath
Parly. U. S. S.
Sir W. Croft
Sir P. Patrick
Private Secretary
Sir G. Laithwaite
Mr. Baxter
Mr. Turnbull
Mr. Lumby
Mr. Joyce
Col. Carter (for Gen. Mayne)
Mr. Clauson.

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Premier 8/541 Part 7

INWARD TELEGRAM

Allotted to Political Department.

Copies to :- Sir D. Monteath
Parly. U. S. S.
Sir W. Croft
Sir P. Patrick
Private Secretary
Sir G. Laithwaite

Mr. Baxter
Mr. Trunbull
Mr. Lumby
Mr. Joyce
Col. Carter (for Gen. Mayne)
Mr. Clauson.

CYPHER TELEGRAM (O. T. P.)

From Viceroy
To Secretary of State for India
Dated New Delhi, 18.30 hours, 24th November, 1946
Despatched 21.10 hours, 24th November 1946

MOST IMMEDIATE

NO. 2468-S.

Continuation of my 2459-S of yesterday. H. M. G. must now make up its mind whether it will stand by statement of Mission or not. It can I think, still save Mission's plan by a definite statement on the lines proposed by the League in para no. 3 of my 2459-S, which was, in effect, assurance given to the League leaders by Mission in their interview of 16th May (Liaquat mentioned this interview for the first time in his discussion with me yesterday, so League have not forgotten it). If H. M. G. decides to make such a statement, I should of course put it first to Jinnah and obtain a definite pledge that League would come in on this assurance. Otherwise H. M. G. must recognise that it has in effect Abandoned plan drawn up by the Mission and has surrendered to Congress.

2. I cannot guarantee reactions of Congress to such a statement, but my judgment would be that they would accept it after a great deal of preliminary blustering, and that the majority of Indians including all sensible and moderate men, would be glad that H. M. G. had at last shown some firmness of purpose.

I must however admit that Congress may react by resignation of their members at the Centre and of all Congress Governments followed possible by widespread violence. We can face this only if we have a breakdown plan on the lines which I have proposed. We should thus, I think, be able if the worst happened, to get out of India without (? serious) loss and with some dignity.

3. If H. M. G. decides to adopt the line of (? omission) to Congress point of view, I fear that result will be something approaching civil war leading to eventual break-up of Indian Army and chaos throughout India, since Moslem League has been driven to the point of desperation and will use the religious issue to stir up trouble. British troops will be involved in suppression of civil disturbances and attacks on European community may well develop. The Mission plan will have failed since no constitution that Assembly will frame without Moslem League will be acceptable to the Moslems. I cannot tell what will happen in the states, they will not as a whole join either side but many of them are likely to be involved in general disorder.

4. I do not think half measures or wishful thinking will get us any further. H. M. G. has a clear cut issue in front of it, either to stand by the Mission plan of the surrender to Congress (? greed) and they must make up their minds at once. I have done my best to persuade the parties to come together into the Government and Constituent Assembly and to make it work, but I must recognise that I have failed and I do not think anything more that I can do will have any effect.

5. The foregoing four paragraphs were drafted before I received your 20552 or had discussed matters with Jenkins, whom I had asked to come and see me since the probable reactions in the Punjab may be the key of the whole situation.

Jenkins' views are as follows :-

- (A) He agrees entirely with general appreciation above but thinks that it is too late for issue of a statement by H. M. Government to be effective, that Congress would not accept it;
- (B) He thinks that invitation to London proposed in your 20552 is best course though he doubts whether it will lead to any result. He believes that the feeling between the two communities is now too bitter and that they are determined to fight it out.
- (C) He has read my breakdown plan and connected correspondence and agrees generally with proposals in it. If we are not prepared to re-establish our authority and govern the country effectively, he agrees that we should leave at an early date, generally by the method proposed.
- (D) He hopes to be able, meantime, to hold the situation in the Punjab, if he is given a fairly free hand by his Ministry.

6. I agree that your proposal to invite two representatives of Congress and two of Moslem League to London is best hope of obtaining a settlement and I recommend that attempt should be made, though I believe that any settlement will be temporary only. The difficulty I foresee is that (? Congress) may refuse the invitation unless H. M. G.'s attitude is firm and definite. It is also probable that Jinnah will insist on coming himself, which may lead to increased difficulty with Congress. I think however that it is the best and probably the only chance of avoiding further widespread disorders and bloodshed in India and I strongly recommend that it should be tried.

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Premier 8/541 Part 7

LORD WAVELL'S ALTERNATIVE OUTLINE DRAFT OF STATEMENT OF INDIAN POLICY

1. H. M. Government have done their utmost to bring the Indian parties together and to find agreement on a constitutional framework which would ensure the unity of India, a peaceful transfer of power, fair treatment for the minorities, and the emer-

gence of a stable and friendly Central Government with which it could conclude agreements to cover matters arising out of the transfer of power.

2. H. M. Government do not think that any further discussions conducted by them, in the present conditions would have a successful result. They do not propose to hold up the progress of India towards complete self-government, and since they have failed to bring about agreement between the two main parties, they consider that the interest of both Great Britain and the Indian people will best be served by the early withdrawal of British control from India. They hope that the prospects of agreement between the parties will be improved by the knowledge that this withdrawal will take place shortly.

3. In thus leaving India, H. M. Government propose to consider their own interests, as well as those of India; and to carry out the withdrawal at a time and by a method laid down by themselves, without further consultation with the Indian political leaders on the main features of the scheme; though they will continue to keep the closest possible touch with Indian political opinion during the withdrawal, both as to details of the withdrawal and the future set-up in India.

4. The withdrawal will be conducted on a phased and timed programme in which the southern Provinces of British India, i.e. Orissa, Central Provinces, Madras and Bombay, will first be handed over, in that order. The northern Provinces of India will be handed over after a further short period.

5. The removal of British control from these Provinces will consist in the withdrawal of two Governors (unless the Ministries ask for their retention) and of the Secretary of State's Service, except in so far as officials may be asked to serve under the Provincial Governments and may agree to do so. Authority in these Provinces will be handed over to the Provincial Government in power. It is intended that the withdrawal from these Provinces will begin on and will be completed not later than three (? four) months from that date.

6. Withdrawal from the Northern Provinces will be begun as soon as the programme of withdrawal from the Southern Provinces is complete; and the whole process of withdrawal from India will be concluded not later than 31st March, 1948.

7. While H. M. Government recognise that those Provinces to which authority had been handed over cannot be compelled to maintain the existing Constitutions or the same relations as at present with the Central Government, it is considered that it will be in their interests to do so during this period.

8. It is hoped that the existing Central Government will continue in office during the period of withdrawal. If it is unwilling to do so, it will be replaced by an official Government appointed by the Governor General.

9. The Central Government will continue to work under the existing Constitution. As each Province is handed over it will have to decide to what extent it will accept Central control.

10. As the withdrawal takes place British nationals will be given all facilities for leaving India if they wish.

11. British troops will be withdrawn from Provinces as they are handed over; but the Indian Armed Forces will be maintained intact as at present, under the Command of and control of the Commander-in-Chief in India. British officers and other ranks

serving with the Indian Armed Forces will not be withdrawn and will continue to serve with their units.

12. Throughout the period of withdrawal, H. H. Government will continue to make every effort to bring the main parties together so that it may be possible to hand over control at the Centre on final withdrawal to a Government established by general agreement.

13. Even if the Constituent Assembly cannot be fully representative, it should be possible, immediately after the cession of sovereignty by Parliament, to bring into force in all Provinces that will accept it the new constitution framed by the Constituent Assembly. H. M. Government still hope that a new constitutional framework may ultimately be devised which will be acceptable to the whole country. But they reiterate their recent statement that if a constitution is framed in a Constituent Assembly in which a large section of the people has not been represented, they cannot contemplate forcing such a constitution upon unwilling parts of the country.

14. Paramountcy will be transferred to the Indian States by stages as the adjacent portions of British India are evacuated. So far as possible the date of transfer of Paramountcy to each State will be arranged in accordance with the desires of that State; but if there is any difference of view, the Crown Representative will decide on what date Paramountcy will be handed back.

15. As each Province is handed over, the members of the Secretary of State's Service in that Province will, unless they accept service under the Provincial Government in the Province concerned, be available for use as directed by the Secretary of State and Governor General, until the Secretary of State's Services are finally wound up when the process of transference of power is complete.

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Premier 8/541 Part 8

ANNEX I

NOTE BY MR. ABELL, PRIVATE SECRETARY TO THE VICEROY

The following are the principle reasons why the Viceroy considers the early withdrawal from the Southern Provinces essential :-

1. The main factor in regard to the safety of our withdrawal is of course the Indian Army. The only way that the Indian Army can be kept together is for the political parties to reconcile their differences. If they do so, all may be well but, on the form we know, it is doubtful if they will. If they do not, then the Indian Army will certainly split up sooner or later. Our object must be to postpone the split till the last possible moment both in the interests of India and in the interests of our safe withdrawal.

2. It is clear that there is a real danger of the Indian Army splitting before we

withdraw from the country. If that should happen, and if when it happens our few British troops are scattered about, and if we are still committed to control the administration of the southern Provinces and have officers expecting the Secretary of State's protection in distant stations of those Provinces, the position will be an exceedingly dangerous one: in fact a major disaster will be almost inevitable.

3. We shall be in a much better position to face the split of the Indian Army should it occur, if British troops have been concentrated in northern India, and if we have abandoned the practical (though not the legal) responsibility for the administration of the southern Provinces.

4. Moreover, the danger to the British personnel remaining in the southern Provinces will have been greatly decreased if, as the result of handing over effective control (though under the present constitution) to the Ministries, they are no longer the target of political abuse and hatred. Once the Ministries have been put in charge in the southern Provinces, the British officials that stay on and accept their service will be popular rather than the reverse; they will be regarded rightly as genuinely interested in the new India and as anxious to help her forward. At the same time the main reason for the unpopularity of other British residents will have been removed.

5. A plan based on withdrawal from the whole of India *pari passu* is not a feasible alternative, except perhaps on the basis of a firm alliance of the British and the Congress and a resolve to put the Congress firmly in the saddle and to pay no further attention to the interests of the Muslim minority. But even this course might well only increase the risk of civil war and hasten the day when the Indian Army disintegrates.

6. On the assumption that H. M. Government are not prepared to ally themselves with the Congress at the expenses of the Muslims, there must remain the risk of a breakdown in our relations with the Congress in the event of our refusing to accept some demand made by the Congress and backed by the threat of resignation from Office.

7. In view of the possibility of such a breakdown; in view also of the possibility of a split of the Indian Army as stated above, we cannot afford to start withdrawing British troops from India until the transference of power is complete. Thus all British troops have got to remain somewhere in India and it is not practicable to plan for a gradual evacuation from each Province simultaneously. It seems clear that the only course is gradually to concentrate the British troops against the possibility of unpleasantness.

8. One reason why it is necessary that there should be a firm decision at once is that administrative machinery for the withdrawal operation must be put into position, and this cannot be done in a day or two. Every kind of planning is necessary on the civil as well as on the military side, and the transport problems both within India and from India to the United Kingdom will be complicated. It is absolutely necessary to the Viceroy that he should have authority to act as soon as the statement is made.

9. It may be thought that an alternative plan might be evolved if a new set of planners were put on to the task. I think I ought to say that the Viceroy's plan has been prepared by as expert a civil-military committee as can be convened in India.

Premier 8/541 Part 8

ANNEX II

MEMORANDUM FOR THE VICEROY OF DECISIONS BY THE CABINET OF INDIAN POLICY

1. The Cabinet approved the text of a Statement in the terms annexed. They agreed that it should be telephoned by the Prime Minister to Dominion Prime Minister whose comments should be invited. They contemplate that this Statement should be made (to be completed after the Cabinet decision).

2. Subject to further examination establishing that satisfactory arrangements can be made in regard to the matters referred to in paragraph 3 below, the Cabinet agreed that the Viceroy should be authorised to take the following preparatory action at such time as he considers appropriate after the Statement has been issued :-

- (a) to withdraw from Orrisa, Madras, Bombay and the Central Provinces those members of the Secretary of State's Services, both British and Indian, who are not prepared voluntarily to serve under the Indian Provincial Governments and on a tacit understanding that, though they may technically be members of the Secretary of State's Services until these Services are finally wound up, they will not be able to rely on the Secretary of State's protection in the interim period.
- (b) to make and execute arrangements for the departure of any Europeans who wish to leave in accordance with paragraph 14 of the Statement.
- (c) to withdraw British troops from these Provinces.

3. The points on which H. M. Government wish to be satisfied are :-

- (a) That the withdrawal of the Secretary of State's Service from these Provinces in the manner proposed will not cripple the Provincial administrations. They would like to have the opinion of the Provincial Governors on this point as soon as possible.
- (b) That the action proposed will not lead to complaints from officers that the Secretary of State is not carrying out his obligations under the Government of India Act. Strictly speaking the Act requires that any member of the Secretary of State's Services should serve under conditions prescribed by the Secretary of State and no others. From this point of view it would be preferable if it could be arranged that those members of the Secretary of State's Services who wish to continue to serve under Provincial Governments should be enabled to resign voluntarily and be re-employed. If this is not feasible H. M. Government will wish to be informed of the exact arrangements under which the Services will be withdrawn and the extent of publicity which will have to be given to the process.

Premier 8/541 Part 8

FUTURE POLICY IN INDIA

(Previous reference: I. B. (46) 9th Meeting, Minute 1)

The Committee resumed their discussion on future policy in India. They now had before them notes by the Viceroy on the previous discussion and a revised draft by him of an announcement (I. B. (46), 48 and 51), a memorandum by the Secretary of State for Dominion Affairs commenting on the Viceroy's notes (I. B. (46) 52) and a memorandum by the Secretary of State for India (I. B. (46) 50). This last memorandum covered notes on the following subjects :-

- (i) The question whether legislation would be necessary in order to withdraw the Secretary of State's Service Province by Province. This note concluded that legislation would not be necessary provided that all members of the Services were physically withdrawn from the Provinces in question.
- (ii) The special powers of Governors. This note led to the conclusion that it would almost certainly be necessary to amend the Instruments of Instructions to Governor; for this purpose an Address would have to be presented to the King by both Houses of Parliament.
- (iii) Questions relating to the withdrawal of paramountcy. This note led to the conclusion that, as British administration was withdrawn from certain Provinces, it would be best that paramountcy should be withdrawn *pari passu* from States enclosed within those Provinces.

In his notes enclosed in I. B. (46) 48 the Viceroy had proposed that, immediately it became clear that the Muslim League would not be represented in the Constituent Assembly, His Majesty's Government should withdraw the Governors, Secretary of State's Services and British troops from the Provinces of Orrisa, the Central Provinces, Bombay and Madras within a period of three or four months. The Central Government and the constitution should be maintained as at present, but fresh Governors would be appointed on the advice of the Ministries, unless they desired to retain their present Governors. His Majesty's Government would at the same time make it clear that they intended to have demitted their power by 31st March, 1948.

This plan was a modification of the scheme previously proposed by the Viceroy. In summarising the arguments in favour of it he recalled that it would have the advantage that it would enable him to concentrate his administrative forces and limit his apparent responsibility. It would also, he hoped, have a considerable psychological effect and might succeed in bringing the two communities to some form of co-operation. He also emphasised that, if his plan were adopted, it would no longer be possible for Congress to bring pressure to bear on him by threatening to withdraw Ministries from the Provinces. This threat had been very embarrassing because he was in no position to administer the Provinces under Section 93 of the Government of India Act. He had therefore; at present; no alternative but to accept Congress dictation or to see an

impossible situation arise in the Provinces.

The Committee first considered whether the Viceroy's plan would require legislation in the United Kingdom. It seemed; that it involved so great a disregard of the Government of India Act that legislation would be necessary. The Secretary of State and the Viceroy could not rid themselves of their responsibilities under that Act without another Act of Parliament. It was, however, very desirable to avoid legislation in advance of the final transfer of sovereignty if this were at all possible. Such legislation would be difficult to draft and difficult to get through Parliament. Ministers felt that in any period of transition, such as there would be during the next year or so, it was only to be expected that there would be certain anomalies. The process of the transfer of responsibility must be a gradual one. Ministers felt that this would be generally recognised. It might therefore be possible to avoid the necessity for legislation by the device of using conventions, e.g. the convention that Governors would always accept the advice of their Ministers.

Alternatively it might be possible to obtain the approval of Parliament to some blanket resolution which would give the Government sufficient authority to act. Without some such authority we might be charged with abandoning our responsibilities towards the minorities and the neighbouring States. On the other hand, it might be difficult to obtain Parliamentary approval for a resolution of this nature

FIELD MARSHAL LORD WAVELL thought we could do no greater disservice to the minorities than to appear to have responsibilities towards them when we had no power to give effect to those responsibilities. The present situation in which although apparently responsible he had to accept the dictation of Congress under threat of their resignation was fast becoming intolerable and would reduce British rule to ignominy.

FIELD MARSHAL LORD WAVELL emphasised that the process of withdrawal from the whole of India was bound to take some time. We should give facilities for any Europeans in India who wished to do so to leave the country. There were about 90,000 Europeans in India and perhaps 30-40,000 would want to leave.

Ministers thought it unfortunate that soldier's families should be allowed to go to India from this country at present. It was recalled that this question had been discussed by the Cabinet some months ago and that it had then been decided that no action should be taken (C. M., (46) 59th Conclusions, Minute 3). The movement would no doubt cease if the date of our departure from India was fixed and announced.

It was suggested that there might be a danger lest Congress should regard our withdrawal from the Southern Provinces as implying that we favoured a Pakistan. The retention on the United Provinces and Behar would not necessarily dispose of this interpretation, as it might be construed as a sign that we favoured Pakistan enlarged to include these two Provinces. If there was any danger of this interpretation, the statement must be carefully worded to avoid it.

Provided there was not this misunderstanding, it was generally felt that it should be possible to obtain the co-operation of Congress over the process of withdrawal from the Southern Provinces, the present constitutional structure being preserved. Congress leaders would wish to show that the Congress Ministeries were worthy of their new responsibilities. And even in the Provinces from which we had not yet retired they

would not be likely to withdraw Congress Ministries if the date of our final departure was fixed. The probability was that the Southern Provinces after our withdrawal would continue to make over to the Central Government the taxes necessary to finance the essential services. If they did not do so the Central Government would not be entirely without weapons against them.

The Committee :-

Agreed to resume their discussion on the following morning.

Cabinet Office, S. W. 1.

20th December, 1946

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CAB 127/109

India Office,
Whitehall.
5th March, 1947

My dear Stafford.

I enclosed telegrams received this morning about the situation in the Punjab which is clearly serious.

In view of the fact that the Sikhs are in a highly excitable state and that what they are protesting about is the possibility of the Punjab coming under a Muslim League Government. I think that the passage on page 81/82 of the draft of your speech, to which I suggested amendments yesterday, might easily exacerbate the position. This passage is, in fact, rather more definite than paragraph 10 of the Statement about the possibility of handing over the Provincial Governments, and it is precisely the handing over of the Punjab to the Provincial Government dominated by the Muslim League which is inflaming the Sikhs. I should be grateful, therefore, if you could revise this passage to be rather less definite. Something on the following lines would meet the case :-

"and if it should eventuate that a large group of Provinces, but not all, agree upon a form of constitution, then it may be necessary to hand over separately in the areas which have not been fully represented. We shall have to consider in what way it would be most reasonable and in the best interests of the Indian people to do so."

The above avoids saying that Provinces will be handed over to existing Provincial Governments and keeps in the possibility of some other form of transfer which was referred to in paragraph 10.

The Rt. Hon.

Sir Stafford Cripps. KC., MP.

Your sincerely
Pathick
(written by hand)

Premier 8/ 541 Part 10**INWARD TELEGRAM**

Allotted to P.S.V.'s Office

8872

CYPHER (O. T. P.)

From	Viceroy
To	Secretary of State for India
Dated	New Delhi 18.25 hours, 20th May, 1947
Received	18.30 hours, 20th May 1947

IMPORTANT

1094-S

Following for Mountbatten from Mievile. Patiala sent a Staff Officer this morning with a letter for me enclosing one for you which he asked me to open in the event of your having already left Delhi. The following is a summary of the letter the full context of which I will sent by Air Mail tomorrow.

(a) He says he had long talks with Jinnah and tried to make him realise the disastrous consequences of his demand for a division of India but he found Jinnah uncompromising and adamant.

(b) The Sikhs consider division of the Punjab essential and any division of the Province which does not take into consideration the rights of the Sikh community in respect of their landed property, other assets, their holy shrines and does not secure for major part of Sikh community a national home is likely to provoke stiff opposition.

(c) It will be most unfair to both Sikhs and Hindus if division made for Punjab is made merely on the basis of incidence of populations by ignoring all other factors such as the relative share of various communities in national assets, their relative contribution to prosperity of province and desirability of making the divided units self-contained.

(d) The feelings amongst the Sikh community undoubtedly continue to be tense and there is a complaint that some authorities in the Punjab have openly followed a pro-Moslim (corrupt group) undivided policy. He will maintain close contacts with Sikh members and will do his best to avert trouble so far as the Sikhs are concerned. In the meantime it will be helpful if effective measures are taken in the Punjab to remove the suspicion that balance has been tilted against the minorities because of partisanship of some of Civil and (? omission) policy of employees of the Punjab Government.

(e) Should it be found necessary to transfer power to a divided India he hopes that you and H. M. G. will give due consideration to legitimate rights of Sikh community and will arrange for a division of the Punjab on a basis which will be fair and just to the Sikhs.

Premier 8/541 Part 10

**THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S
GOVERNMENT**

The circulation of this paper had been strictly limited.
It is issued for the personal use of Prime Minister

TOP SECRET**Copy no. 3**

C. M. (47) 50th Conclusions
Confidential Annex
(22nd May, 1947 - 11.00 a.m.)

INDIA

Constitutional
Position

(Previous Reference:
C.M. (47) 47th
Conclusions,
Minute 6)

The Cabinet had before them a memorandum by the Prime Minister (C.P. (47) 158) covering the draft of an announcement to be made by His Majesty's Government on the arrangements proposed for the transfer of power in India.

THE PRIME MINISTER gave the Cabinet a general account of the recent political developments in India and the results of the discussions which the India and Burma Committee had had with the Viceroy.

The refusal of the Muslim League to participate in the work of the Constituent Assembly had destroyed any possibility that the Cabinet Mission plan could be successfully put into effect. The League had, indeed, entered the Interim Government, but the failure of both Parties to co-operate within that Government made it improbable that it could continue to hold together for much longer. The extensive discussions which Lord Mountbatten had had with the various political leaders, since his arrival in India, had convinced him that there was no prospect of a Union of India either on the basis of the Cabinet Mission's plan or on any other basis, and further that, unless a very early announcement was made of the method by which His Majesty's Government intended to transfer power, widespread communal disturbances would be inevitable. All the Indian Parties were now convinced that, in view of the recalcitrant attitude of the Muslim League, some form of partition was unavoidable. But the Congress view was that, if partition was to be conceded, it was a necessary corollary that there should also be a division of Bengal and the Punjab.

The Viceroy had convened a conference of Indian leaders for 2nd June at which he would make a final effort to secure agreement on the basis of the Cabinet Mission's plan. If, as he expected, he failed to do so, he intended to lay before the Conference the text of an announcement by His Majesty's Government, which was contained in the Annex to C. P. (47) 158. The plan outlined in that document had already been discussed with the Indian leaders, and represented the maximum degree of common

agreement that was ever likely to be achieved. The announcement stated that His Majesty's Government had reached the conclusion that the attempt to secure a Union of the whole of India on the basis of the Cabinet Mission's proposals must now be abandoned, and that arrangements must therefore be made whereby power could be transferred to more than one authority. It then proceeded to set out a detailed plan under which the different parts of India could choose, through elected representatives, whether their future constitutions should be framed by the existing Constituent Assembly, or by a new Constituent Assembly composed of representatives from those areas which held aloof from the main body; and it provided for the establishment of a new Constituent Assembly for the areas which opted for separation. The probable result of the plan would be that, in the North-West of India Sind, the Western Punjab and possibly also the North-West Frontier would stand out from the existing Constituent Assembly. In the North-East there were good hopes that Bengal might decide to remain united on the basis of a coalition government elected on a joint electorate. If, however, that did not happen, Eastern Bengal and the one predominantly Muslim district of Assam were likely also to stand out.

The Prime Minister drew attention to the difficulties and dangers necessarily inherent in any scheme of partition. The situation in many parts of India was already highly inflammable. In the Punjab, in particular, the proposed announcement was likely in the Governor's view to provoke serious disorder and blood-shed. The application of the plan to that Province would involve the division of the Sikh community in fairly even proportions between the two successor States, though their position might to some extent be eased by the Boundary Commission which would establish the final boundary. Partition would also involve highly complex administrative problems, such as the division between the successor States of the Indian Army and such subjects as finance, trade and industry which were at present the responsibility of the Central Government. But, whatever the practical difficulties involved, there appeared to be no alternative to partition. Unfortunately, there was now reason to fear that the Muslim League might after all decide to oppose the plan. In that event, the best course would be to impose it as an award by His Majesty's Government. It seemed unlikely that the attitude of the Congress leaders to the plan would similarly change. If it did, however, a more difficult position would arise and the whole plan would then have to be reconsidered. During the past fortnight, however, there had been a further development of major importance which put the whole matter in a different light. While Mr. Jinnah had always claimed that Pakistan would wish to remain within the British Commonwealth, it had been the policy of the Congress Party that India should be a sovereign independent republic and they had secured a resolution to that effect in the Constituent Assembly. The prospect that one part of India would wish to remain within the Commonwealth when the other had become an independent republic had always involved issues of great complexity.

Appendix - I

The Indus Water Treaty - 1960

Government of India Publication

PREAMBLE

The Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilization of the waters of the Indus system of rivers and recognizing the need, therefore, of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters and of making provisions for the settlement, in a cooperative spirit of all such questions as may hereafter arise in regard to the interpretation or an application of the provisions agreed upon herein, have resolved to conclude a Treaty in furtherance of these objectives, and for this purpose have named as their plenipotentiaries:

The Government of India
Shri Jawaharlal Nehru,
Prime Minister of India,

and

The Government of Pakistan
Field Marshal Mohammad Ayub Khan, HP, J.J.,
President of Pakistan,

who, having communicated to each other their respective Full Powers and having found them in good and due form, have agreed upon the following Articles and Annexures:

ARTICLE I

Definitions

As used in this Treaty:

(1) The terms "Article" and "Annexure" mean respectively an Article of, and an Annexure to, this Treaty. Except as otherwise indicated, references to Paragraphs are to the paragraphs in the Article or in the Annexure in which the reference is made.

(2) The term "Tributary" of a river means any surface channel, whether in continuous or intermittent flow and by whatever name called, whose waters in the natural course would fall into that river, e.g. a tributary, a torrent, a natural drainage, an artificial

drainage, a nadi, a nallah, a nai, a khad, a cho. The term also includes any sub-tributary or branch or subsidiary channel, by whatever name called, whose waters, in the natural course, would directly or otherwise flow into that surface channel

(3) The term "The Indus," "The Jhelum," "The Chenab," "The Ravi," "The Beas" or "The Sutlej" means the named river (including connecting Lakes, if any) and all its Tributaries, provided however that

- (i) none of the rivers named above shall be deemed to be a Tributary,
- (ii) the Chenab shall be deemed to include the river Panjnad; and
- (iii) the river Chandra and the river Bhaga shall be deemed to be Tributaries of the Chenab.

(4) The term "Main" added after Indus, Jhelum, Chenab, Sutlej, Beas or Ravi means the main stem of the named river excluding its Tributaries, but including all channels and creeks of the main stem of that river and such connecting Lakes as form part of the main stem itself. The Jhelum Main shall be deemed to extend up to Verinag, and the Chenab Main up to the confluence of the river Chandra and the river Bhaga.

(5) The term "Eastern Rivers" means The Sutlej, The Beas and The Ravi taken together.

(6) The term "Western Rivers" means The Indus, The Jhelum and The Chenab taken together.

(7) The term "The Rivers" means all the rivers, The Sutlej, The Beas, The Ravi, The Indus, The Jhelum and The Chenab.

(8) The term "Connecting Lake" means any lake which receives water from, or yields water to, any of the Rivers, but any lake which occasionally and irregularly receives only the spill of any of the Rivers and returns only the whole or part of that spill is not a Connecting Lake.

(9) The term "Agricultural Use" means the use of water for irrigation, except for irrigation of household gardens and public recreational gardens.

(10) The term "Domestic Use" means the use of water for:

- (a) drinking, washing, bathing, recreation, sanitation (including the conveyance and dilution of sewage and of industrial and other wastes), stocks and poultry, and other like purposes;
- (b) household and municipal purpose (including use for household gardens and public recreational gardens); and

(c) industrial purposes (including mining, milling and other like purposes);

but the term does not include Agricultural Use or use for the generation of hydro-electric power.

(11) The term "Non-Consumptive Use" means any control or use of water for navigation, floating of timber or other property, flood protection or flood control, fishing or fish culture, wild life or other like beneficial purposes, provided that, exclusive of seepage and evaporation of water incidental to the control or use, the water (undiminished in volume within the practical range of measurement) remains in, or is returned to, the same river or its tributaries; but the term does not include Agricultural Use or use for the generation of hydro-electric power.

(12) The term "Transition Period" means the period beginning and ending as provided in Article II (6).

(13) The term "Bank" means the International Bank for Reconstruction and Development.

(14) The term "Commissioner" means either of the Commissioners appointed under the provisions of Article VIII(i) and their term "Commission" means the Permanent Indus Commission constituted in accordance with Article VIII(3).

(15) The term "interference with the water" means:

- (a) Any act of withdrawal therefrom; or
- (b) Any man-made obstruction to their flow which causes a change in the volume (within the practical range of measurement) of the daily flow of the waters: Provided however that an obstruction which involves only and insignificant and incidental change in the volume of the daily flow, for example, fluctuations due to afflux caused by bridge piers or a temporary by pass, etc., shall not be deemed to be an interference with the waters.

(16) The term "Effective Date" means the date on which this Treaty takes effect in accordance with the provisions of Article XII, that is, the first of April 1960.

ARTICLE II

Provision Regarding Eastern Rivers

(1) All the waters of the Eastern Rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this Article.

(2) Except for Domestic Use and Non-Consumptive Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters of the Sutlej

Main and the Ravi Main in the reaches where these rivers flow in Pakistan and have not yet finally crossed into Pakistan. The points of final crossing are the following: (a) near the new Hasta Bund upstream of Suleimanke in the case in the Sutlej Main, and (b) about one and a half miles upstream of the syphon for the B.R.B.D. Link in the case of the Ravi Main.

(3) Except for Domestic Use, Non-Consumptive Use and Agricultural use (as specified in Annexure B), Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters (while flowing in Pakistan) of any Tributary which in its natural course joins the Sutlej Main or the Ravi Main before these rivers have finally crossed into Pakistan.

(4) All the waters, while flowing in Pakistan, of any Tributary which in its natural course, joins the Sutlej Main or the Ravi Main after these rivers have finally crossed into Pakistan shall be available for the unrestricted use of Pakistan: Provided however that this provision shall not be construed as giving Pakistan any claim or right to any releases by India in any such Tributary. If Pakistan should deliver any of the waters of any such Tributary, which on the Effective Date joins the Ravi Main after this river has finally crossed into Pakistan, into a reach of the Ravi Main upstream of this crossing, India shall not make use of these waters; each Party agrees to establish such discharge observation stations and make such observations as may be necessary for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan, and Pakistan agrees to meet the cost of establishing the aforesaid discharge observation stations and making the aforesaid observations.

(5) There shall be a Transition Period during which, to the extent specified in Annexure H India shall

- (i) limit its withdrawals for Agricultural Use,
- (ii) limit obstructions for storages, and
- (iii) make deliveries to Pakistan from the Eastern Rivers.

(6) The Transition Period shall begin on 1st April 1960 and it shall end on 31st March 1970, or, if extended under the provisions of Part 8 of Annexure II, on the date up to which it has been extended. In any event, whether or not the replacement referred to in Article IV(1), has been accomplished, the Transition Period shall end not later than 31st March 1973.

(7) If the Transition Period is extended beyond 31st March 1970, the provisions of Article V(5) shall apply.

(8) If the Transition Period is extended beyond 31st March 1970, the provisions of Paragraph (5) shall apply during the period of extension beyond 31st March 1970.

(9) During the Transition Period, Pakistan shall receive for unrestricted use the waters of the Eastern Rivers which are to be released by India in accordance with the provisions

of Annexure II. After the end of the Transition Period, Pakistan shall have no claim or right to releases by India of any of the waters of the Eastern Rivers. In case there are any releases, Pakistan shall enjoy the unrestricted use of the waters so released after they have finally crossed into Pakistan: Provided that in the event that Pakistan makes any use of these waters, Pakistan shall not acquire any right whatsoever, by prescription or otherwise, to a continuance of such releases or such use.

ARTICLE III

Provisions Regarding Western Rivers

(1) Pakistan shall receive for unrestricted use all those waters of the Western Rivers which India is under obligation to let flow under the provision of Paragraph (2).

(2) India shall be under an obligation to let flow all the waters of the Western Rivers, and shall not permit any interference with these waters, except for the following uses, restricted (except as provided in item (e) (ii) of Paragraph 5 of Annexure C) in the case of each of the rivers, The Indus, The Jhelum and The Chenab, to the drainage basin thereof:

- (a) Domestic Use;
- (b) Non-Consumptive Use;
- (c) Agricultural Use, as set out in Annexure C; and
- (d) Generation of hydro-electric power, as set out in Annexure D.

(3) Pakistan shall have the unrestricted use of all waters originating from sources other than the Eastern Rivers which are delivered by Pakistan into The Ravi or The Sutlej, and India shall not make use of these waters. Each Party agrees to establish such discharge observation stations and make such observations as may be considered necessary by the Commission for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan.

(4) Except as provided in Annexures D and E India shall not store any water of, or construct any storage works on, the Western Rivers.

ARTICLE IV

Provisions Regarding Eastern Rivers and Western Rivers

(1) Pakistan shall use its best endeavours to construct and bring into operation, with due regard to expedition and economy, that part of a system of works which will accomplish the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August 1947, were dependent on water supplies from the Eastern Rivers.

(2) Each Party agrees that any non-Consumptive Use made by it shall be so made as

not to materially change, on account of such use, the flow in any channel to the prejudice of the uses on that channel by the other Party under the provisions of this Treaty. In executing any scheme of flood protection or flood control each Party will avoid, as far as practicable, any material damage to the other Party, and any such scheme carried out by India on the Western Rivers shall not involve any use of water or any storage in addition to that provided under Article III.

(3) Nothing in this Treaty shall be construed as having the effect of preventing either Party from undertaking schemes of drainage, river training, conservation of soil against erosion and dredging, or from removal of stones, gravel or sand from the beds of the Rivers: Provided that

- (a) in executing any of the schemes mentioned above, each party will avoid, as far as practicable, any material damage to the other Party.
- (b) any such scheme carried out by India on the Western Rivers, shall not involve any use of water or any storage in addition to that provided under Article III;
- (c) except as provided in Paragraph (5) and Article VII(1)(b), India shall not take any action to increase the catchment area, beyond the area on the Effective Date, of any natural or artificial drainage or drain which crosses into Pakistan, and shall not undertake such construction or remodelling of any drainage or drain which so crosses as might cause material damage in Pakistan or entail the construction of a new drain or enlargement of an existing drainage or drain in Pakistan; and
- (d) should Pakistan desire to increase the catchment area beyond the area on the Effective Date, of any natural or artificial drainage or drain, which receives drainage waters from India, or, except in an emergency, to pour any water into it in excess of the quantities received by it as on the Effective Date, Pakistan shall before undertaking any work for these purposes, increase the capacity of the drainage or drain to the extent necessary so as not to impair its efficacy for dealing with drainage waters received from India as on the Effective Date.

(4) Pakistan shall maintain in good order its portions of the drainages mentioned below with capacities not less than the capacities as on the Effective Date:

- (i) Hudiana Drain
- (ii) Kasur Nala
- (iii) Salimshah Drain
- (iv) Fazilka Drain

(5) If India finds it necessary that any of the drainages mentioned in paragraph (4) should be deepened or widened in Pakistan, Pakistan agrees to undertake to do so as a work of public interest, provided India agrees to pay the cost of the deepening or widening.

(6) Each Party will use its best endeavours to maintain the natural channels of the Rivers, as on the Effective Date, in such condition as will avoid, as far as practicable, any obstruction to the flow in these channels likely to cause material damage to the other Party.

(7) Neither party will take any action which would have the effect of diverting the Ravi Main between Madhopur and Lahore, or the Sutlej Main between Harike and Suleimanke, from its natural channel between high banks.

(8) The use of the natural channels of the Rivers for the discharge of flood or other excess water shall be free and not subject to limitation by either Party, and neither Party shall have any claim against the other in respect of any damage caused by such use. Each Party agrees to communicate to the other Party, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows as may affect the other Party.

(9) Each Party declares to operate its storage dams, barrages and irrigation canals in such manner, consistent with the normal operations of its hydraulic systems, as to avoid as far as feasible, material damage to the other Party.

(10) Each Party declares its intention to prevent, as far as practicable, undue pollution of the waters of the Rivers which might affect adversely uses similar in nature to those to which the waters were put on the Effective Date, and agrees to take all reasonable measures to ensure that before any sewage or industrial waste is allowed to flow into the Rivers, it will be treated, where necessary, in such manner as not materially to affect those uses: Provided that the criterion of reasonableness shall be the customary practices in similar situations on the Rivers.

(11) The Parties agree to adopt, as far as feasible, appropriate measures for the recovery, and restoration to owners, of timber and other property floated or floating down the Rivers, subject to appropriate charges being paid by the owners.

(12) The use of water for industrial purposes under Articles II (2), II (3) and III (2) shall not exceed:

- (a) in the case of an industrial process known on the Effective Date, such quantum of use as was customary in that process on the Effective Date:
- (b) in the case of an industrial process not known on the Effective Date:
 - (i) such quantum of use as was customary on the Effective Date in similar or in any way comparable industrial processes; or
 - (ii) if there was no industrial process on the Effective Date similar or in any way comparable to the new process, such quantum of use as would not have a substantially adverse effect on the other Party.

(13) Such part of any water withdrawn for Domestic Use under the provisions of Articles II (3) and III (2) as is subsequently applied to Agricultural Use shall be accounted for as part of the Agricultural Use specified in Annexer B and Annexer C respectively; each Party will use its best endeavours to return to the same river (directly or through one of its Tributaries) all water withdrawn therefrom for industrial purposes and not consumed either in the industrial processes for which it was withdrawn or in some other Domestic Use.

(14) In the event that either Party should develop a use of the waters of the Rivers which is not in accordance with the provisions of this Treaty, that Party shall not acquire by reason of such use any right, by prescription or otherwise to a continuance of such use.

(15) Except as otherwise required by the express provisions of this Treaty, nothing

in this Treaty shall be construed as affecting existing territorial rights over the waters of any of the Rivers or the beds or banks thereof or as affecting existing property rights under municipal law over such waters or beds or banks.

ARTICLE V

Financial Provisions

(1) In consideration of the fact that the purpose of part of the system of works referred to in Article IV (1) is the replacement from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August 1947, were dependent on water supplies from the Eastern Rivers, India agrees to make a fixed contribution of Pounds Sterling 62,060,000 towards the costs of these works. The amount in Pounds Sterling of this contribution shall remain unchanged irrespective of any alteration in the par value of any currency.

(2) The sum of Pounds Sterling 62,060,000 specified in Paragraph (1) shall be paid in ten equal annual instalments on the 1st of November of each year. The first of such annual instalments shall be paid on 1st November 1960, or if the Treaty has not entered into force by that date, then within one month after the Treaty enters into force.

(3) Each of the instalments specified in Paragraph (2) shall be paid to the Bank for the credit of the Indus Basin Development Fund to be established and administered by the Bank and payment shall be made in Pounds Sterling or in such other currency or currencies as may from time to time be agreed between India and the Bank.

(4) The payments provided for under the provisions of paragraph (3) shall be made without deduction or set-off of any financial claims of India on Pakistan arising otherwise than under the provisions of this Treaty; Provided that this provision shall in no way absolve Pakistan from the necessity of paying in other way debts to India which may be outstanding against Pakistan.

(5) If, at the request of Pakistan the Transition Period is extended in accordance with the provisions of Article II(6) and of part 8 of Annexer II, the Bank shall thereupon pay to India out of the Indus Basin Development Fund the appropriate amount specified in the Table below:

Table

Period of Aggregate Extension of Transition Period	Payemnt to India
One year	£. stg. 3,125,000
Two years	£. stg. 6,406,250
Three years	£. stg. 9,850,000

(6) The provisions of Article IV(i) and Article V(1) shall not be construed as conferring upon India any right to participate in the decisions as to the system of works which Pakistan constructs pursuant to Article IV(1) or as constituting an assumption of any responsibility by India or as an agreement by India in regard to such works.

(7) Except for such payments as are specifically provided for in this Treaty, neither party shall be entitled to claim any payment for observance of the provisions of this Treaty or to make any charge for water received from it by the other party.

ARTICLE VI

Exchange of Data

(1) The following data with respect to the flow in, and utilization of the waters, of the Rivers shall be exchanged regularly between the Parties:

- (a) Daily (or as observed or estimated less frequently) gauge and discharge data relating to flow of the Rivers at all observation sites.
- (b) Daily extractions for or releases from reservoirs.
- (c) Daily withdrawals at the heads of all canals operated by government or by a government agency (here-in-after in this Article called canals), including link canals.
- (d) Daily escapages from all canals, including link canals.
- (e) Daily deliveries from link canals.

These data shall be transmitted monthly by each Party to the other as soon as data for a calender month have been collected and tabulated, but not later than three months after the end of the month to which they relate: Provided that such of the data specified above as are considered by either Party to be necessary for operational purposes shall be supplied daily or at less frequent intervals as may be requested. Should one Party request the supply of any of these data by telegram, telephone, or wireless, it shall reimburse the other party for the cost of transmission.

(2) If, in addition to the data specified in Paragraph (i) of this Article, either Party requests the supply of any data relating to the hydrology of the Rivers, or to canal or reservoir operation connected with the Rivers or to any provision of this Treaty, such data shall be supplied by the other Party to the extent that these are available.

ARTICLE VII

Future Cooperation

(1) The two Parties recognize that they have a common interest in the optimum development of the Rivers, and, to that end, they declare their intention to co-operate by mutual agreement, to the fullest possible extent in particular:

- (a) Each Party, to the extent it considers practicable and on agreement by the other Party to pay the costs to be incurred, will, at the request of the other Party, set up or install such hydrologic observation stations within the drainage basins of the Rivers, and set up or install such meteorological observation stations relating thereto and carry out such observation there, as may be requested, and will supply the data so obtained.
- (b) Each Party, to the extent it considers practicable and on agreement by the other Party to pay the costs to be incurred, will at the request of the other Party, carry out such new drainage works as may be required in connection with new drainage works of the other Party.
- (c) At the request of either Party, the two Parties may, by mutual agreement, cooperate in undertaking engineering works on the Rivers.

The formal arrangements in each case, shall be as agreed upon between the Parties.

(2) If either Party plans to construct any engineering work which would cause interference with the waters of any of the Rivers and which in its opinion, would effect the other Party materially, it shall notify the other Party of its plans and shall supply such data relating to the work as may be available, and as would enable the other Party to inform itself on the nature, magnitude and effect of the work. If a work would cause interference with the waters of any of the Rivers but would not, in the opinion of the Party planning it, affect the other Party materially, nevertheless the Party planning the work shall, on request, supply the other Party with such data regarding the nature, magnitude and effect, if any of the work as may be available.

ARTICLE VIII

Permanent Indus Commission

(1) India and Pakistan shall each create a permanent post of Commissioner for Indus Waters and shall appoint to this post, as often as a vacancy occurs, a person who should ordinarily be a high ranking engineer competent in the field of hydrology and water use. Unless either Government should decide to take up any particular question directly with the other Government, each Commissioner will be the representative of his Government for all matters arising out of this Treaty, and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty, and, in particular, with respect to

- (a) the furnishing or exchange of information or data provided for in the Treaty. and
- (b) the giving of any notice or response to any notice provided for in the Treaty.

(2) The status of each Commissioner and his duties and responsibilities towards his Government will be determined by that Government.

(3) The two Commissioners shall together form the Permanent Indus Commission.

(4) The purpose and functions of the Commission shall be to establish and maintain co-operative arrangements for the implementation of this Treaty, to promote co-operation between the Parties in the development of the waters of the Rivers and, in particular,

- (a) to study and report to the two Governments on any problem relating to the development of the waters of the Rivers which may be jointly referred to the Commission by the two Governments, in the event that a reference is made by one Government alone, the Commissioner of the other Government shall obtain the authorization of his Government before he proceeds to act on the reference.
- (b) to make every effort to settle promptly, in accordance with the provisions of Article IX (1) any question arising thereunder.
- (c) to undertake, once in every five years, a general tour of inspection of the Rivers for ascertaining the facts connected with various developments and works on the Rivers.
- (d) to undertake promptly, at the request of either Commissioner, a tour of inspection of such works or sites on the Rivers as may be considered necessary by him for ascertaining the facts connected with those works or sites, and
- (e) to take, during the Transition Period such steps as may be necessary for the implementation of the provisions of Annexer H.

(5) The Commission shall meet regularly at least once a year, alternately in India and Pakistan. This regular annual meeting shall be held in November or in such other month as may be agreed upon between the Commissioners. The commission shall also meet when requested by either Commissioner.

(6) To enable the Commissioners to perform their functions in the Commission, each Government agrees to accord to the Commissioner of the other Government the same privileges and immunities as are accorded to representatives of member States to the principal and subsidiary organs of the United Nations under Sections 11, 12 and 13 of Article IV of the Convention on the Privileges and Immunities of the United Nations (dated 13th February, 1946) during the periods specified in those Sections. It is understood and agreed that these privileges and immunities are accorded to the Commissioners not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Commission; consequently, the Government appointing the Commissioner not only has the right but is under a duty to waive the immunity of its Commissioner in any case where, in the opinion of the appointing Government the immunity would impede the course of justice and can be waived without prejudice to the purpose for which the immunity is accorded.

(7) For the purposes of the inspections specified in Paragraph (4) (c) and (d), each Commissioner may be accompanied by two advisers or assistants to whom appropriate facilities will be accorded.

(8) The Commission shall submit to the Government of India and to the Government of Pakistan, before the first of June of every year, a report on its work for the year ended on the preceding 31st of March, and may submit to the two Governments other reports at such times as it may think desirable.

(9) Each Government shall bear the expenses of its Commissioner and his ordinary staff. The cost of any special staff required in connection with the work mentioned in Article VII (I) shall be borne as provided therein.

(10) The Commission shall determine its own procedure.

ARTICLE IX

Settlement of Differences and Disputes

(1) Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by the Commission, which will endeavour to resolve the question by agreement.

(2) If the Commission does not reach agreement on any of the questions mentioned in Paragraph (1), then a difference will be deemed to have arisen, which shall be dealt with as follows:

- (a) Any difference which, in the opinion of either Commissioner falls within the provisions of part I of Annexer F shall, at the request of either Commissioner, be dealt with by a Neutral Expert in accordance with the provisions of part 2 of Annexer F,
- (b) If the difference does not come within the provisions of Paragraph (2) (a), or if a Neutral Expert in accordance with the provisions of Paragraph 7 of Annexer F, has informed the Commission that, in his opinion, the difference, or a part thereof, should be treated as a dispute, then dispute will be deemed to have arisen which shall be settled in accordance with the provisions of Paragraphs (3), (4) and (5).

Provided that, at the discretion of the Commission, any difference may either be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexer F or be deemed to be a dispute to be settled in accordance with the provisions of Paragraphs (3), (4) and (5), or may be settled in any other way agreed upon by the Commission.

(3) As soon as a dispute to be settled in accordance with this and the succeeding paragraphs of this Article has arisen, the Commission shall, at the request of either Commissioner, report the fact to the two Government, as early as practicable, stating in its report the points on which the Commission is in agreement and the issues in dispute, the views of each Commissioner on these issues and his reasons therefor.

(4) Either Government may, following receipt of the report referred to in Paragraph (3), or if it comes to the conclusion that this report is being unduly delayed in the Commission, invite the other government to resolve the dispute by agreement. In doing so it shall state the names of its negotiators and their readiness to meet with the negotiators to be appointed by the other Government at a time and place to be indicated by the other Government. To assist in these negotiations, the two Governments may agree to enlist the services of one or more mediators, acceptable to them.

(5) A Court of Arbitration shall be established to resolve the dispute in the manner provided by Annexer G.

- (a) upon agreement between the Parties to do so; or
- (b) at the request of either Party, if, after negotiations have begun pursuant to Paragraph (4), in its opinion the dispute is not likely to be resolved by negotiations or mediation; or
- (c) at the request of either Party, if after the expiry of one month following receipt by the other Government of the invitation referred to in Paragraph (4), that Party comes to the conclusion that the Government is unduly delaying the negotiations.

ARTICLE X

Emergency Provision

If, at any time prior to 31st March 1965, Pakistan should represent to the Bank that, because of the outbreak of large-scale international hostilities arising out of causes beyond the control of Pakistan, it is unable to obtain from abroad the materials and equipment necessary for the completion, by 31st March 1973, of that part of the system of works referred to in Article IV(I) which relates to the replacement referred to therein (hereinafter referred to as the "replacement element") and if, after consideration of this representation in consultation with India, the Bank is of the opinion that

- (a) these hostilities are on a scale of which the consequence is that Pakistan is unable to obtain in time such materials and equipment as must be procured from abroad for the completion, by 31st March, 1973, of the replacement element, and
- (b) since the Effective Date, Pakistan has taken all reasonable steps to obtain the said materials and equipment and with such resources of materials and equipment as have been available to Pakistan both from within Pakistan and from abroad, has carried forward the construction of the replacement element with due diligence and all reasonable expedition, the Bank shall immediately notify each of the Parties accordingly. The Parties undertake without prejudice to the provisions of Article XII(3) and (4), that, on being so notified, they will forthwith consult together and enlist the good offices of the Bank in their consultation, with a view to reaching mutual agreement as to whether or not, in the light of all the circumstances then prevailing, any modifications of the provisions of this Treaty are appropriate and

advisable and, if so the nature and the extent of the modifications.

ARTICLE XI

General Provisions

(1) It is expressly understood that

- (a) this Treaty governs the rights and obligations of each Party in relation to the other with respect only to the use of the waters of the Rivers and matters incidental thereto; and
- (b) nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of the either of the Parties other than those rights or claims which are expressly recognized or waived in this Treaty.

Each of the Parties agrees that it will not invoke this Treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or in disputing any of the rights or claims whatsoever of the other Party, other than those rights or claims which are expressly recognized or waived in this Treaty.

(2) Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.

(3) The rights and obligations of each Party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of the execution of, any agreement establishing the Indus Basin Development Fund.

ARTICLE XII

Final Provisions

(1) This Treaty consists of the Preamble, the Articles hereof and Annexers A to H hereto, and may be cited as "The Indus Waters Treaty 1960".

(2) This Treaty shall be ratified and the ratifications thereof shall be exchanged in New Delhi. It shall enter into force upon the exchange of ratifications and will then take effect retrospectively from the first of April 1960.

(3) The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments.

(4) The provisions of this Treaty, or the provisions of this Treaty as modified under

the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified Treaty concluded for that purpose between the two Governments.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in triplicate in English at Karachi on this Nineteenth day of September 1960.

FOR THE GOVERNMENT OF INDIA:

(Sd) Jawaharlal Nehru _____

FOR THE GOVERNMENT OF PAKISTAN:

(Sd) Mohammad Ayub Khan _____

Field Marshal, H.P., H.J.

FOR THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For the purposes specified in Articles V and X and Annexes F, G and H:

(Sd) W.A.B. Diff

Appendix II

Interviews Relating to Partition of Punjab by the Editor*

I. An interview with the late Sir Francis Mudie, Governor of the West-Punjab (1947)

Int. Interviewer Dr. Kirpal Singh
S.F. Sir Francis Mudie

(At the residence of Sir Francis Mudie, Easter Cot, Esplanade, Broughty Ferry, Angus, Scotland, on August 27, 1964)

Int: We presume that the British never wanted that peaceful transfer of power should be marred by the communal riots. Then why did these riots take place?

S.F. When any regime changes disturbances are bound to occur. You know, Muslims came as conquerors in India eight hundred years ago. The British rule was going to end and they wanted to hand over, according to the democratic principles, to the Hindus. When the Muslims wanted their share, there were bound to be riots. Do you think if Negroes in U.S.A. come to power, there would not be riots?

Int: I perfectly agree: But these riots to such an extent could not be attributed to mere change of a regime. The riots could be lessened, or, if say, could be avoided had there been proper planning. For instance, the Sikhs were demanding their transfer of population in case Pakistan was established. If that demand of theirs was accepted definitely one of the causes of riots would have been removed. (I quoted here the Sikh memorandum to Sir Tej Bahadur Sapru in 1945 wherein the Sikh leaders had demanded the transfer of their population in case Pakistan was to be established).

S.F. Once Mr. Jinnah and I were touring the West Punjab riot affected areas where the refugees were coming and going. Mr. Jinnah remarked, "When I proposed transfer of population the people laughed at me. Now what are they doing?"

Int: Had Mr. Jinnah made any efforts to win over the Sikhs by agreeing to give the status of "Vatican" to their shrines at Nankana Sahib which was a very ordinary thing for him, he would have softened the feelings of the Sikhs. You see Mr. Jinnah was a ruler. It was for him to offer certain privileges to the Sikhs to win them over. The Sikhs could do nothing at that time.

S.F. When do you think Jinnah should have offered certain concessions to the Sikhs?

Int: Any time between 3rd June and 15th August 1947.

S.F. I do not know about 3rd June or after. But in August it was not possible.

Int: You mean that the enmity between the Sikhs and Muslims had advanced.

S.F. Yes, I think it was far advanced by August:

Int: I think, Mr. Jinnah was very rigid, and rigidity is always unstatesman-like in politics.

Had he issued an appeal to the Sikhs, assuring them their religious freedom and their due share in the administration etc., these disorders might not have occurred and people would have stayed there in Pakistan.

S.F. I agree that Mr. Jinnah was very rigid. Once he wanted to issue a statement which was sent to me - I pointed out that its phraseology was not correct. He did not change it. He said, "Since you pointed it out I won't change it. He was very rigid no doubt."

Int. What was the cause of transfer of population in the Punjab?

S.F. I do not know, except that Giani Kartar Singh saw me at Lyallpur and told me that "We have decided to leave Pakistan the law and order may be maintained so that Sikhs could go out of Pakistan." I said, "Alright". I clamped Section 144. (i)

S.F. Let us have lunch while we talk, what researches have you done about the changes made in the Punjab Boundary Award ?

Int: That I wanted to ask from you, Sir.

S.F. The Boundary Award had been changed.

Int: Are you sure ?

S.F. Yes.

Int: Is it a fact that the Punjab Boundary Award was changed?

S.F. Yes, it was changed. I know Radcliffe. He may be Lord Privy Seal or anything else. I will never entrust my own will to him. He says, "I only lived in the Viceroy's House and I had nothing to do with him." But I know he changed the Award of the Punjab Boundary Commission.

Int: I met Radcliffe. I enquired from him about the "Sketch map incident." He told me that it was possible that he prepared so many maps before finalizing the one. While the Award was being prepared one map was leaked out. But that was not the final one.

S.F. But he says that he has not changed it. Who else was important on his staff? His Personal Secretary or steno. His Personal Secretary himself told about this map to Abell. Nobody else could give it to Abell without his knowledge. I am sure about this.

Int: I think it was wrong on the part of Jenkins to ask for the information in advance of the "Award" and also wrong for Abell to supply it.

S.F. Yes, I agree that it was wrong for Jenkins to ask for the map. But Abell could not supply it without the knowledge of Mountbatten since Abell was the Secretary of the Viceroy.

Int: I saw Lord Ismay. He was of the view that the root cause of the trouble was that Sir Francis handed over the tentative map to Mr. Jinnah. Had he not done so there would not have been so much misunderstanding about this map.

S.F. I expected Lord Ismay to say so. Once there was a discussion about the Punjab Boundary Award with Liaquat Ali Khan and Jinnah. I told them that the Award had been changed. I showed them the map. This map was given to me by the Secretary of Jenkins.

Int: I met Jenkins. He was justifying himself for demanding the advance information about the Award of Punjab Boundary Commission. We talked about Mosley's book '*Last days of the British Raj*'. He said that he had showed Mosley a few letters and he had a lunch with him. But Jenkins denied most of the statements made in Mosely's book. When I enquired from him which of the statements he accepted and which he rejected, he refused to tell this and wrote back to me, "I am sorry I cannot be more

- helpful." This attitude does not appear to be very reasonable.
- S.F. Jenkins is a funny man, We had an I.C.S. Association, He never attended its annual meeting. He thought himself something else. But Lord Mountbatten wrote me about Mosley's book.

Int: I was simply taken aback to hear that Lord Mountbatten wrote you about Mosely's book. What did he write to you?

S.F. He wrote me that this book was no good.

Int: It is surprising that Lord Mountbatten should take so much interest as to write about the most ordinary books. He is a very big man. He should not mind whatever petty books my say or write. I wish that I could see that letter.

Sir Francis rose from his seat and brought me a few letters. First letter was of Lord Mountbatten dated 25 July 1962. It was stated there that Mosley had written a book which exaggerated the number of casualties to be 6,00,000 (six lakhs). Moon's book "*Divide And Quit*" was praised wherein he had given the number of casualties to be 2,00,000 (2 lakhs). Lord Mountbatten had stated in his letter that he did not want to defend himself. It was for the future historians to judge. He was making out a case that exaggerated number of casualties had been given to malign him. A schedule of casualties in the West Punjab was attached there.

Int: I wish to have a copy of this letter.

S.F. I should not have shown you this letter,

Int: I want to copy down the figures of casualties for my further study, research and verification.

S.F. That you may do. I copied number of casualties from Lord Mountbatten's enclosure sheet attached to the letter dated July 25, 1962, addressed to Sir Francis Mudie. In his letter Lord Mountbatten had stated that he thought that total number of casualties to be 1/4 of a million or it could be between 1/4 to 1/2 million.

Estimated Casualties After 14th August, 1947

Dera Ghazi Khan	250
Mazafargarh	500
Multan	2500
Montgomery	2000
Lyalpur	500
Sheikhupura	10,000
Jhang	1,500
Mianwali	4500
Lahore	10,000
Gujranwala	4000
Sialkot	3500
Gujrat	3000
Jhelum	3000
Sargodha	3500
Attock	3000

Rawalpindi
Bahawalpur

4500

3000

59250

S.F. I do not believe these figures to be true. I think on both sides, in the East and West Punjab, about 1/2 million people were killed. That includes all numbers of casualties on account of natural death on their way, or deaths on account of natural calamities like floods in Beas etc.

Int: Do you think that the casualties in East and the West Punjab to be equal?

S.F. Almost equal.

Int: It is very interesting to know that even seventeen years after 1947 Lord Mountbatten takes so much interest in the Indian affairs.

S.F. Mountbatten is the master of details. He had employed two girls who always pointed to him all his personal references in the press. He does not want anything to go unnoticed about him.

Int: Alan Campbell Johnason has written his memoirs "*Mission with Mountbatten.*"

S.F. All propaganda! Now Lord Mountbatten is encouraging people to write his biography.

Int: I saw Lord Attlee - when I asked him the causes of disturbances, he replied "Jinnah was a little man. He did not agree to any proposal. Had Liaquat been there, the things would have been different." But Liaquat was not a the master of the show.

S.F. Yes, Jinnah was the master of the show. But I think appointment of Wavel as Viceroy was a blunder. He could not convince anybody. He was not familiar with the working of Indian minds. Any other Viceroy would not have allowed this state of affairs, and that appointment was made by Churchill and not by Attlee.

Attlee made the appointment of Lord Mountbatten and also fixed date for British withdrawal. When you declare that you are leaving you lose all powers, as persons in transit cannot exercise their powers effectively. When Lord Mountbatten took over he found that he could not pull on with both the parties uptill June, 1948, So the date had to be fixed earlier.

Wavel had made a scheme of British Military evacuation without making settlement with the political parties. It was not a political plan. It was a military plan drawn out from the military point of view. The plan was like this. The British armies withdrawing from provinces and assembling at Karachi and Bombay and sailing off. This was not practicable because India could not be left without political settlement

Int: What do you think about the letter of yours which has been published in so many books?

S.F. Which letter do you mean?

Int: I showed him the letter in G.D. Khosla's book "Stem Reckoning" which I had taken with me. He read few lines of the letter^a (Document No. 166) and then said.

S.F. Yes, it appears to be my letter. You see I used to write letters to Jinnah every fortnightly and hand them over to my pilot who used to go to Karachi. Once he went via Delhi where this letter was opened and its copy sent to Jinnah.

Int: I have heard a different story, I am told that this letter was posted at Lahore and when it was posted the Indian C.I.D. man kept a watch over it. When the packer came to open the post box, this letter was taken away from the entire mail.

S.F. I do not know.

Int: Have you written more such letters to Mr. Jinnah?

S.F. Yes, I used to write every fortnight. (Vide Document No. 154, 166, 175, 200)

Int: Have you got their copies?

S.F. I brought nothing from Pakistan.

Int: Why did you want that every Sikh should be turned out of Pakistan.

S.F. Because of law and order situation. Since they had started evacuation it was better they should have gone earlier. It would have solved law and order problem. In case they stayed, they would have been the cause of retaliation by the Muslims.

Moreover Hindus behaved very peculiarly. I give you an instance of village Harianwan District Mianwali. The Hindus of this place fortified themselves in a tower with their ammunition and guns and they had asked the Muslims of Harianwan to leave the village. These Muslims went to the nearby camp and asked the military to remove these Hindus to the camp. The Muslim military came there for evacuation of the Hindus and wanted that all the Hindus should surrender their ammunition so that they could be evacuated. But the Hindus did not surrender their guns. On one side of the village a Muslim mob attacked them not knowing that the military was present. The Hindus came out after killing their women and children. The most important thing is that Government was never reported about such situation at all.

Int: What about Sheikhupura massacre?

S.f. I do not remember.

Int: At Sheikhupura some hundreds non-Muslims were killed.

S.F. No, I do not know anything about that.

Int: Why did you want that Nehru and Patel should not come to the West Punjab as you have stated in your letter?

S.F. Did I? I do not remember.

Int: I again brought out Khosla's book from my briefcase and showed him his letter particularly the paragraph dealing with Nehru and Patel.

S.F. Yes, there was no military to guard them. They could not go without the escort of military in those days. Secondly, Nehru had the bad habit of scolding the officials. He misbehaved with the officials at Sheikhupura especially the British D.C. (His name was Dinsay).

Int: What about the administration in the West Punjab in August?

S.F. It was hopeless. Nawab Mamdot had no interest whatsoever except to have his refugee lands. You can well imagine the Cabinet meetings being held at his Kothi and no proceedings kept.

Int: Yes, once I read in the Civil and Military Gazette that ministers issued orders contradictory to each other; they did not know the procedure. I think the main trouble was that there was no stalwart Punjabi Muslim like Sir Fazal Hussain or Sir Sikander who could guide Jinnah about the affairs of the Punjab as the situation was deteriorating day by day.

S.F. Do you mean Mr. Jinnah was the man to be guided. Men like Shaukat Hyat Khan dared

not speak to him.

About riots, I must tell you that it was an open secret that the refugees always gave unreliable account of their sufferings. I know the state of affairs because all important meetings wherein Nehru, Patel, Lord Mountbatten and Jinnah attended were held at my Kothi at Lahore.

Once perhaps, P.N. Thapar agreed with me that refugees' account should not be relied upon. They represented too much exaggerated accounts. You were talking about administration in the West Punjab. I think that police in the East Punjab was much worse than that of the West Punjab.

Int: I agree with you because the police in the United Punjab had about ninety percent Muslims. The entire police had to be recruited new there and these policemen were recruited from the refugees who were affected by communal riots.

When I talked to Lord Ismay about the communal riots in the Punjab, he said that the old British statesmen in the Punjab like John Lawrence and Nicholson would have immediately put behind the bars all Sikh leaders. Since the British were leaving that could not be done and successor government did not agree to that. What is your opinion about it?

S.F. Mr. Jinnah demanded the arrest of Master Tara Singh about 12th August. Jenkins and I discussed this proposal. I was of the opinion that it was not easy to arrest Master Tara Singh from Amritsar where he lived. To arrest Master Tara Singh from Amritsar was a very difficult task in those days. It required one full company of military. Even that could be arranged and Master Tara Singh arrested. But we never wanted to keep Tara Singh as prisoner in Lahore and subsequently exchange him with prisoners. The other alternative was that after the arrest Tara Singh be kept in the East Punjab. I argued that it would be useless to arrest Tara Singh if after 15th August he is to be released.

Int: I think the arrest of Master Tara Singh would not have materially affected the situation. Instead of suppression they should have won the sympathy of the Sikhs, explained to them their point of view and listened to their demands.

Just after the 3rd June plan Jinnah, Liaquat, Patel and Nehru sat at Delhi to count and divide typewriters, staff cars, stationery, etc., and decided to appoint Deputy Commissioners in the disputed district and decide who were to be the governors, etc. Instead of doing petty bargaining they should have moved in the Punjab, faced the masses, met their criticism, removed their genuine fears and tried to pacify them.

S.F. I know they were counting typewriters, etc., after 3rd June plan.

Int: You know that in the Punjab 3rd June Plan was announced with a threat. The Area Commander announced that now the Plan had been announced, anybody who opposed the plan would be severely dealt with. There was always threat of suppression even by Mountbatten who said to Maulana Azad that aeroplanes would be employed in Punjab in bombarding the riot affected areas.

S.F. I do not know the Punjab situation before August, 1947, as I was in Sindh as Governor of Sindh.

Int: We then went out for a walk on the bank of river Tay which is just in front of his beautiful house on Esplanade. Then, we again reverted to our old topic.

S.F. They had organized this Punjab Boundary Force, which was a failure. Some mixed regiments were placed under General Rees, These regiments both Muslims, Gorkhas

and Sikhs knew that British had left and they were to serve under their new masters. So they were to fight with one another. I knew they were to create a dangerous situation.

Int: Excuse me, As far as I know the Punjab Boundary Force was established by the Partition Council in which Jinnah, Patel and others were represented.

S.F. Yes, I know, But this force proved useless. I wrote a very strong note against this force. I wrote to Mountbatten: If you are serious to quell the riots, requisition some British forces from Karachi—this force which you have created is not fulfilling its purpose because this force is under neither Pakistan nor Hindustan. Its position is: *Na ghar ka na ghat ka*.

Responsibility for maintaining law and order should be entrusted to the respective Governments. Jinnah laughed at my note and Mountbatten personally came to Lahore with the suggestion that Punjab Boundary Force would be abolished, and it was abolished in September.

Int: No Sir, it was abolished in 31st August (night).

S.F. That might be correct, I do not remember the date.

Int: I want to enquire! Had there been common Governor-General, so many problems might have been solved. There would not have been Kashmir problem. Sikhs might also have got some privileges to visit their shrines in Pakistan, etc.

S.F. It would never have worked. It was impossible to have common Governor-General under those circumstances. Regarding Kashmir I suggested to Jinnah to agree to the principle of partitioning of Kashmir. But Jinnah was disgusted with the Award of the Punjab Boundary Commission and he said, "I will not have more Boundary Commissions now?"

Who is now Governor of the Punjab?

Int: Hafiz Mohammed Ibrahim in Punjab (India).

S.F. My old friend Hafiz - He cannot do harm to anybody. He is very gentle that way. He is from U.P. Therefore, I know him.

Int: Rafi Ahmad Kidwai was the most capable man. It is said, "Had he been alive he would have succeeded Nehru."

S.F. He was a political genius. I had the privilege of serving under him in U.P. However big file I take to him, he would finish it within no time. He would say, "What is this? Do you like that? No, it is not possible." "Alright it should be this." Decided all the cases without delay.

In U.P. Cabinet, his opinion was always decisive, yet he never uttered a word in the Assembly.

Int: Had Liaquat and Nehru been left together, they could pull on nicely in 1947. But Liaquat was not master of the show?

S.F. That is right. Nehru and Liaquat both belonged to U.P. Therefore they could understand each other better.

Int: I have written to Sir George Abell but he has written me that "it would be waste of your time to see me."

S.F. Abell is very big man. He has been Secretary to the Viceroy. He is one of the most intelligent persons. He was the financial Secretary.

Int: Sir, this is last question. Do you keep a diary?

S.F. No I do not believe in such things.

When do you intend to leave for India?

Int: On 15th October, 1964,

S.F. That will be a polling day here.

Int: I have missed Lady Francis?

S.F. She is involved in elections?

Int: Is she seeking election?

S.F. No, in support of somebody.

Int: In favour of Labour or Conservative?

S.F. Conservative.

Int: During the talk I mentioned about Sir Khizar Hyat Khan.

S.F. "He is a good man. I 1947 Sir Abell contacted me twice or thrice from England whether it was safe for Sir Khizar to come to the Punjab. I once replied him, "Yes it is safe provided he quietly lives in his village". Then he came there.

Sir Francis Mudie walked about two furlongs to bid me farewell. His last words were. "Pay my compliments to all Punjabis."

1. I am grateful to Mr. Kewal Singh, Deputy High Commissioner for India in England in 1964 who helped me to contact various dignitaries and also those dignitaries who spared their Valuable time for the interview.
2. Now this letter is in the private papers of Sir Francis Mudie lying in the India Office Library, London.

II. Interview with late Lord Ismay Chief of Staff of the Lord Mountbatten

*At Wormington Grange Board way Worcestershire, on 17th August, 1964, at 3.45 p.m.
in his drawing-room. Lord Ismay was then seventy-six years old.*

Q. How could disturbances be avoided with the transfer of power in India in 1947.

Ans. We expected trouble in the Punjab. We knew that great martial community was going to be cut in two. I submitted a report in which I clearly mentioned it. So it was not an unexpected trouble. We had anticipated it on the Sikh side.

Q. Where is that report now?

Ans. That will be released after fifty years. Alan Campbell Johnson has mentioned this report in his book "*Mission with Mountbatten*".¹

Q. It was known that the Sikh were the aggrieved party. What steps were taken to remove their grievances?

Ans. Nothing could be done by us. It was for Mr. Jinnah and Mr. Nehru. I suggested to Mr. Jinnah that he should issue a statement assuring the Sikhs that Pakistan was not only for the Muslims but for all the communities including the Sikhs. They would be given all opportunities in services and administration of the country, and Sikh shrines in Pakistan would enjoy the status of Vatican. Perhaps, he hated every thing Hindu; he said, "it was weakness to the hostages." When I repeated he did not respond at all".

Q. There is a general feeling that the Sikhs who had been faithful to the British and had fought several battles for them all over the world had been ignored. They had been assured by all the Viceroys that their points of view would be taken into account when there would be transfer of power

- Ans. No doubt, the Sikhs were the friends of the British, but when we decided to leave India we had to leave our friends.
- Q. Was nothing done for the Sikh shrines?
- Ans. Sardar Baldev Singh never brought this question before us. He was not a very intelligent man. This question should have been brought up before us by Nehru and Baldev Singh.
- Q. When you knew that there was going to be trouble in the Punjab and the Sikhs were opposed to Pakistan and wanted to come out of Pakistan it would have eased the situation had there been a provision for orderly transfer of Sikh population to the East Punjab.
- Ans. Who should have done this transfer of population?
- Q. The subsequent governments of India and Pakistan. I mean there should have been a provision for such orderly transfer.
- Ans. In that case the plan should have taken three months to be prepared. But it was prepared within three days.
- Q. That is right - The plan was prepared in haste. It was not a comprehensive plan. Had it been a comprehensive plan, there should not have been Canal water dispute. It should have contained some solution of every problem.
- Ans. You know Nehru had threatened to resign. There was such a deterioration of situation, the delay would have been ruinous. When I went in India in 1947, I found that it was a strange India. Hindus and Muslims did not speak to each other. Ministers working on the same table would not wish each other. So much animosity I had never seen before.
- I did my best to persuade Jinnah not to divide army. Regiments should not be divided. But he never agreed. He said, "you do not know the working of the Hindu mind."
- Q. Had Jinnah agreed to the common Governor Generalship of Lord Mountbatten, the Sikhs might have gained by this arrangement.
- Ans. Jinnah did not agree to that. He was a very rigid type of man. Liaquat was quite different. But he was not the master of the show. Had Liaquat been there at the helm of affairs, the things would have been different. If we were to stay on we could suppress the disturbances. Like John Lawrence and Nicholson we would have adopted very strong policy and clamped all the Sikh leaders behind the bars. But we were to leave!
- Q. But suppression would not have been the solution. Basic defect in the entire arrangement was that the leaders had decided everything in Delhi and were not prepared to face the masses.
- Ans. No, Nehru and Liaquat toured the Punjab in August. It had very wholesome effect.
- Q. Perhaps their tour was too late—then main ferocity of communal riots had spent itself. Was Sikh Muslim understanding ever tried?
- Ans. No, they never met. They never wished to meet. How could there be any understanding?
- Q. You have written in your book that Sardar Baldev Singh accepted the 3rd June Plan with certain reservation. May I know what were those reservations?
- Ans. They were absolutely foolish. Nothing practicable. Rubbish altogether.

Lady Ismay who had entered the room with tea, etc., and had been listening to our talk:

"Darling, give some example of reservations!"

Lord Ismay: O Dear, I do not remember." Immediately opened the book of Alan Campbell Johnson - read a passage from it emphasizing that the reservations asked for were foolish.

Q. You have stated in your book that 3rd June Plan was a 'Hobson' choice." What do you mean by it. Who was Hobson?

Lord Ismay addressing Lady Ismay: "Darling, we never thought of it." She brought dictionary of quotations where in it was stated that." Thomas Hobson (1544-1631) was a master of stable at Cambridge. Who-so-ever wanted to take horse from him used to go to the stable. Hobson would bring the horse near the door and give it to the gentleman. Though there were several horses he never allowed the choice. Either one had to accept the horse or go."

Ans. Lord Ismay said that was the case with the 3rd-June Plan. Either accept it or go? I tell you that 3rd-June Plan was the best solution. I prepared several schemes. But it was the only one which could be acceptable to all. And it worked well. Uptil September it was all right. After transfer of population. India and Pakistan would have entered friendly relation but Kashmir issue again spoiled the entire relationship. Jinnah was going to wage war on India. I went there to prevent it. I specially went to Karachi to explain what India was doing for the Muslim refugees.

Q. There is a general feeling that Menon represented the Congress point of view to the Viceroy - Abell and yourself represented what Jinnah and League wanted. The Sikhs had nobody to represent their point of view.

Ans. It is wrong that Abell was pro-Muslim. People have absolutely wrong notions. Similarly I differed with Jinnah at several places. I tell you - when we were in Delhi - a party of Muslim Leaguers came and said, "Turn out Evan Jenkins, he was pro-Hindu." Then after a few days a party of Congress leaders came and said, "Turn out Evan Jenkins - he was pro-Muslim." So it was a very funny position.

Q. Have you seen Leonard Mosley's book "*Last days of British Raj*"?

Ans. It is rubbish. Mosely cleverly got an introductory chit from Lord Mountbatten and went to Menon who showed him certain "personal documents. These document Mosley quoted as Government of India Records."

Q. What is your source of information of this.

Ans. Lord Mountbatten himself told me. When this book was out, Lord Mountbatten wrote to Menon regarding this.

Q. I am in touch with Major James Short who was P.A. to Sardar Baldev Singh.

Ans. No, he was my P.A. I took him from England with me when I came here for the second time (July 5). Sardar Baldev Singh had asked Lord Mountbatten to bring him. He is a great friend of the Sikhs. Alan Campbell Johnson has mentioned this fact in his book, *Mission with Mountbatten*. (p. 136, 1972 Ed.).

1. Alan Campbell Johnson wrote on page 136 of his book "*Mission with Mountbatten*" that Major Billy Short will be "seconded to advise Ismay who had deep and well founded foreboding about Sikh reactions in Punjab"

For further details see the Document no. 73 and 76, 146.

III. Interview with late Lord Attlee, the British Prime Minister in 1947

The House of Lords in Peers Guest Room at 2.30 P.M. on July 22, 1964.

- Q. Your Lordship has been the maker of modern India. You took active interest in the Simon Commission as you were one of its members. The Government of India Act of 1935 was passed with your efforts and again India got independence during your regime. Now I am writing history of the partition of the Punjab and wanted to enquire a few things.
- Ans. Lord Attlee, Yes.
- Q. The British had been great friends of Sikhs. The Sikhs fought for them in many battles. But it so happened that the transfer of power hit them so severely.
- Ans. You member - I do not remember his name - Defence member [I: Sardar Baldev Singh] yes he was there. Mountbatten knows it well. Have you met him.
- Q. No Sir, not yet. May I see any record lying with you?
- Ans. Everything is published. I have nothing else.
- Q. I have read your book "*As it Happened*".
- Ans. There is another book "*The Prime Minister Remembers*" by Lord Francis William.
- Q. Had there been some concessions to the Sikhs at the time of partition, the Sikhs would have been pacified?
- Ans. Mr. Jinnah was a very little man, really very little man. He did not agree to any thing. It would have been much better had Liaquat Ali been there in his place. He was a much better man. But your Tara Singh is also no good.
- Q. Yes, In the history of the nations such opportunities come very rarely - if one is not imaginative and wise he cannot acquit himself well. But the Sikhs had been very loyal to the British - they fought for them several battles in Europe and elsewhere.
- Ans. But Jinnah was too little a person. He did not agree to any of the proposals. The parties did not agree.
- Q. How is it that the date of transfer of power which was originally June 1948 was brought down to August 1947?
- Ans. The Indian parties did not agree, the things were moving from bad to worse. Mountbatten knows it well. (Somebody brought the mail.)
Lord Attlee said all right - I am to read a report (perhaps in the House of Lords).
Lord Attlee - You can write me questions if you like.

IV. Interview with Lord Cyril Radcliffe, Chairman of the Punjab Boundary Commission, 1947

On 23rd July, 1964, at his room in the House of Lords at 4.30 P.M.

- Q. I am writing history of the partition of the Punjab and in that connection I have been meeting important officials who had served in the Punjab. I have seen Evan Jenkins

and Lord Attlee. Since yours was the most important assignment. I thought I must discuss a few points with you.

May I know what was the process by which you arrived at a particular decision. Did you arrive at your decisions with the help of memoranda submitted to you or you called forth other records from the Government of India and actually I wish to know what was your process of arriving at a decision.

Ans. I had before me various memoranda. I could call any records of the Government and actually this procedure was followed. When I went there I stayed in Delhi - both the Commissions were working at Calcutta and Lahore. Daily proceedings were brought to me by a special plane. I read them and then discussed them with my colleagues - weighed the arguments in my mind, then arrived at a particular decision.

Q. Did you consult anybody before arriving at final decision?

Ans. Consulting in what respect. I ask for any information I wanted. I had quite independent an office and had to do nothing with the Viceroy.

Q. Did you initiate any talk with the political leaders regarding joint control of irrigation-system in the Punjab.

Ans. I did not - but we were discussing this issue among our colleagues and through them I knew that they were not going to agree to the joint control.

Q. Have you read Mosley's book?

Ans. Yes I did - he came to see me.

Q. What is your opinion about the Sketch Map Story?

Ans. It is possible I might have two or three maps prepared before I submitted the final one. The final award is mine, entirely mine.

Q. I am told that George Abell conveyed the Sketch Map to Evan Jenkins.

Ans. I know in the case of Bengal this advance information was demanded for posting their troops as well as for making necessary arrangements. I remember to have given advance information in the case of Bengal and Assam. I do not remember about the Punjab.

Q. I have read a statement of Justice Muhammad Munir who was a member of the Punjab Boundary Commission that he asked you how you would prepare the report and you told him at Simla that you would do this after consulting the Viceroy.

Ans. Absolutely incorrect. I am not all happy about the attitude of my colleague of Pakistan side. My every private talk was given the widest publicity.

Q. I have read your Award. It is very logical. Wherever you have deviated from the usual practice of population factor, you have added a paragraph there. It is so clear. I know that you have performed the most difficult part of the job. But had there been more time, it could be better.

Ans. Yes. On my arrival I told all political leaders that the time at my disposal was very short. But all leaders like Jinnah, Nehru and Patel told me that they wanted a line before or on 15th August. So I drew them a line.'

1. See Radcliff Award Document no. 150.

**V. Interview with late Lord Patrick Spens, Chief Justice of
Federal Court of India and Chairman of Arbitral Tribunal, 1947**

*2, Crown Office Row, King's Benet Walk, Inner Temple, London, on May 22, 1963, at
11 A.M.*

- Q. May I know your views regarding partition of India or partition of the Punjab?
- Ans. I am keeping a regular diary which can only be shown when I am no more and most of the people will be no more. That will not be transferred to any other place, it will be preserved in Inner Temple.
- Q. After all what were the causes of all the bloodshed which followed the transfer of power?
- Ans. The main cause was the haste with which we parted with India. The connections of centuries were severed within days without any proper thought. It has never happened anywhere in the British Empire. The best thing would have been that when Lord Mountbatten came to England in May he should have told the Indian leaders - Since they did not agree on the basic principles - the English would frame constitution for them instead of partitioning the country. But there was terrible haste. I must pay tribute to Lord Mountbatten for his quick decisions. Perhaps he was guided by precedent of separations of Burma from India.
- Q. Sir, May I know what were the causes for this haste?
- Ans. The main factor was that the Labour Government here wanted to get rid of India as quickly as possible.
- Q. Sir, I think that in framing the Partition Plan, the Sikh point of view was totally ignored - one of its reason could be that the Sikh leaders could not impress their point of view?
- Ans. That is the point, And secondly Lord Mountbatten was entirely new to India. All the promises and pledges made by the British statesmen were forgotten. The main cause of every thing was haste. So far my department was concerned every thing remained well. You know, I was the Chairman of the Arbitral Tribunal. All the decisions made by the Tribunal were accepted by the parties. Each one of them had the right of appeal but nobody appealed, and accepted what we decided.
- Q. Had the question of canal water dispute been referred to Arbitral Tribunal it would have been amicably settled?
- Ans. We had been discussing canal water dispute and I wanted that it should be referred to the Tribunal but my both the colleagues were in favour of deciding this issue politically. Therefor, no state referred this question to the Tribunal.
- Q. Sir, You may have noticed a Sketch Map Story as stated by Leonard Mosley in the "*Last Days of British Raj*".
- Ans. I was deadly against this method of demarcation of the boundary. What do judges know about the demarcation of the boundary. It was wrong to associate judges with the demarcation of the boundary. The best thing would have been to depute this work to me with two experts. We would have studied the problem before demarcation. Such an important problem should have taken some time because it was a question of life and death for several people. The man appointed as chairman neither knew the

language nor the territory nor the inhabitants of the area. Nowhere else in the whole of British Empire boundaries have been demarcated in this way.

Q. Sir! They say that the Award was altered in the final stage. This is contended by the Pakistan statesmen.

Ans. I know only one thing that the changes were made in the Award upto the last moment because Radcliffe himself knew nothing of the problem.

Lord Spens. You must have seen the Awards of Arbitral Tribunal?

Ans. Yes sir, I have read the Awards as well as the proceedings.

Lord Spens. You see, the all orders of the Governor General from 3rd June to 15th August were prepared under my supervision - we had to do hell of work. Some of the orders were issued by the Governor of the Punjab. Have you read my article on Arbitral Tribunal?

Ans. No Sir.

Lord Spens. I give you the copy of the book in which it was published but you must return this to me as it is the only copy with me. He gave me the book entitled "*Problems of Public and Private International Law*". Longman Green & Co., London, 1951. It contained an article "Arbitral Tribunal in India" by Lord Spens. It was not exclusively about the partition of Punjab. It referred to the partition of Bengal and Assam also. According to him the Tribunal had the legal powers to override the provisions of orders issued by the Governor of Punjab under section 9 of the Indian Independence Act. Similar orders were not issued by the Governor of Bengal or Assam. In the circumstances and particularly keeping in view the fact that these orders had been in operation for several month when the Tribunals dealt with them the Tribunal adopted the decisions or principles implied in these orders.

Q. What were the causes of Calcutta riots of August 1946?

Ans. I was made the Chairman of the Royal Commission of Enquiry to investigate the causes. We have been holding enquiry in Calcutta. But no respectable man was forthcoming for witness, etc. Ultimately this work had to be abandoned. Moreover, I told the Government this enquiry would complicate the matter. In case it apportioned a blame on a community more than the other, the members of Community would finish the opposite community which had been held responsible within twenty four hours of the declaration of the findings of the enquiry. So ultimately the enquiry was abandoned.

VI. Interview with Prof. Dr. W.H. Morris Jones, Durban College

At India House Aldwych, London at 12 noon, July 17, 1964.

P.J. - Prof. Dr. W.H. Morris Jones.

I - Dr. Kirpal Singh.

P.J. I have nothing to do with history -you should have met some historian.

I. I have explained my position in a letter you would have received.

P.J. No. I did not receive it. It might be due to postal dislocation.

- I. I briefly stated the reasons for having the privilege of meeting you. Firstly I learned that you acted as Constitutional Adviser to the Viceroy in 1947, Secondly Prof. Dr. A. L. Basham told me that you were interested in India, and he advised me to see you.
- P.J. Yes, I worked for some time as Constitutional Adviser to the Viceroy. As far as I can recall Sir Stafford and Lord Attlee called me in May 1947, when Lord Mountbatten visited England. I was informed to prepare a plan which could have two sovereign countries for defence, communication and other similar purposes. Lord Attlee asked me if I had read anything of Austero-Hungarian empire. How it worked. He advised me to study that and evolve that sort of plan.
- As a matter of fact I was taken with a view that my services might be needed. It was just like game of golf- nobody knew what stick one might have to use and on what occasion. I was given a separate office in the Secretariat. But nobody was in a mood to have anything common so my services were particularly not required though I was given some other work.
- However, I prepared a plan - which must be in some file. I resigned on 15th August. 1947.
- I. I have been working on Partition of the Punjab for a number of years and in that connection I am meeting various persons. I would like to ask a few questions. What was the cause of bloodshed and riots just after transfer of power ?
- P.J. It had various aspects. One was military-Indo-Pakistan border was too long. Military allotted could not control it. Secondly no body properly anticipated the trouble.
- I. Sir Evan is right when he says the leaders never prepared people for the decision they made.
- P.J. Exactly I have been holding the same view-this is the my view also.
- I. I think that the Sikhs were recognized as third important community in India by the Cabinet Mission and in the last phase of 3rd June Plan their point of view was not taken into consideration.
- P.J. In what way the Cabinet Mission Plan was favorable to the Sikhs -recognition or mention of Sikhs as third important community was one thing. How does it favour the Sikhs.
- I. That way it was nothing in it which could be said that was favorable to the Sikhs. Perhaps it was the Sikh leadership which could not make itself effective.
- P.J. That was not the case. But what was the solution?
- I. The Sikhs had made several resolutions that they would not live in Pakistan. Had there been some provision for orderly transfer of Sikh population from the west to the east Punjab there might have not been this trouble.
- P.J. That is right. You see the atmosphere in Delhi was that V.P. Menon was in touch with Patel and he so thoroughly understood Congress that Mountbatten's every proposal put to Congress was acceptable to them. Ismay and Abell were in touch with Muslim League but they were not always correct as was Menon because several of Mountbatten's proposal were turned down by Jinnah. There was no such media for the Sikhs.
- I. But Short was there. He arrived there in the month of July 1947 when almost everything was settled.
- P.J. I remember once Moon and Short were dining with Abell and I was the fourth person

there. Moon and Short were representing just that nobody knew anything about Punjab and there was going to be a storm there. But nobody seriously took them. Did Short tell you about his talk with Abell.

I. No, Sir. Was Sikh-Muslim alliance possible?

P.J. Certainly not in 1947. Otherwise Sikhism is nearer Islam. Sikh Muslim understanding was possible much earlier.

I. This understanding had been more probable had Sir Khizar not formed the ministry?

P.J. Yes, after the fall of the Unionist Ministry it would have been better had he not formed the ministry.

I. According to Sir Evan there should not have been any partition of Punjab and it was only possible if Sikhs had accepted Pakistan. I think that Jinnah should have given them some assurances and handled them tactfully. But he was not prepared for all this.

P.J. There was no remarkable Muslim League leader in Punjab who could guide Muslim League. Men like Sir Fazal Hussain had died.

I. Do you know anything about Sketch Map Story? Have you read Mosley's book the "*Last Days of British Raj*"?

P.J. No, I have no comment on it. I have written a review on Leonard Mosely's book "*Last Days of British Raj*." I shall be sending you its copy by post. It would give you some idea what I think of that book.

VII. Interviews with late Mr. Ian Stephen ex-Editor, The Statesman Calcutta

At his residence at 49, Hertford Street, Cambridge at 11-30 A.M on June 16, 1964.

Q. I have read your "*Sikhs An Over Blamed People*" and also other works. May I know what was the cause of this bloodshed just after transfer of power?

Ans. I have discussed it in my book *Pakistan*-Once a chain was started, there was no end to it.

Q. May I know where, in your view, the chain had been started. I mean the chain of communal riots.

Ans. To my mind it was started from Bihar riots. There was nothing so terrific as Bihar riots.

Q. What about Calcutta riots? I think the Calcutta riots surpassed all previous riots.

Ans. I agree. But Bihar riots, no pressmen could know anything - it was almost unassessed moreover it shook the entire Muslim community - its effects were felt in Muslim community all over India, even N.W.F.P.

Q. Yes, I know that Sir William Jones wrote in "*Tumult in India*" that some fanatics excited Muslim masses by showing human skulls and saying that these Muslims have been killed in Bihar. But you have stated somewhere that the Sikhs participated in the Calcutta riots in favour of Hindus. But how is it that H.S. Suhrawardy the then Chief Minister of Bengal gave a statement commending the Sikhs' role of impartiality during Calcutta riots. That statement was published in the Statesman, Calcutta, when you were editor of that esteemed paper.

Ans. I do not know about that statement.

- Q. I shall send you the copy of that statement when I received my sea parcel. (See Appendix to this). But what was the hurry in drawing of the third June Plan when the time limit had been fixed to June 1948.
- Ans. It is now an open question whether delay would have been useful or not. I have taken both the sides—delay might have been more injurious.
- Q. Have you seen any document regarding Wavel-Plan—from your book it appears that you always doubted it.
- Ans. I know there cannot be Wavel-Plan as comprehensive as the 3rd June Plan.
- Q. But Lord Attlee refers to it in his book "*As it Happened.*" But that is a casual reference. He had not papers before him. The book has been written from memory. If there was any plan like Wavel Plan - it was a plan of military evacuation of the British.
- Q. But the plan of military evacuation more suited to the conditions of the Punjab. I cannot say about the rest of India.
- Ans. Kept silent.
- Q. But how is it that at the time of transfer of power, the services of the Sikhs were entirely forgotten. Previous Governors General had given assurances to the Sikhs in writing that their interest would never be ignored.
- Ans. That was the betrayal to the Sikhs. There were two betrayals one to the Sikhs and other to the Princes. I knew on the 3rd June that there was going to be a trouble as the Sikhs had been ignored. After coming from the Press Conference of Lord Mountbatten I told my staff that there was going to be a trouble.
- Q. But in the Punjab trouble was started by the Muslims during March riots in 1947. The Sikhs had never been party to the communal rioting so far. That was Muslims' first attack on the Sikhs that shook their confidence. Even if we assume that the Sikhs had taken part on the side of the Hindus in the Calcutta riots, the Calcutta Sikhs did not represent the entire Sikh community?
- Ans. I perfectly agree.
- Q. Let us see how all this blood-shed could be avoided - one method was if there had been Sikh-Muslim understanding it could be avoided. But who was responsible for not having an understanding ?
- Ans. Evidently the Muslim League, they were quite unprepared for the task entrusted to them.
- Q. Moon has written that Jinnah was ignorant about the Sikh affairs.
- Ans. That is what I have stated in my book and criticised the Muslim League leadership, I wonder how is it possible that senior officers, who had spent their entire lives in India would not have advised Mountbatten about the Sikh problem in the Punjab. I think Mountbatten did not listen to any body.
- Q. Lord Mountbatten as Mosley stated, was surrounded by pro-Muslim influences - Abell and Ismay both were pro-Muslims. Ismay had all along been in the Muslim regiments and Abell, as I have been told by Master Tara Singh, always thought that the Sikhs would embrace Islam if Pakistan was established.
- Ans. That is sheer silly.
- Q. The matter would have been different if some provision was made for peaceful transfer of Sikh population to East Punjab or some provision was made for the free

visits to the Sikh shrines in Pakistan. Have you seen that "Sketch Map Controversy"? What are your views about that?

Ans. Sir Din Muhammad, the Governor of Sindh, talked to me about this. It was Abell who conveyed that map on telephone? Then it must be correct, because Abell was a very responsible man. One Assistant Secretary now in India, who was at that time Assistant Secretary in the Punjab Boundary Commission, was also involved? I shall have to dig out all my records.

Q. What is your view about migration?

Ans. I have not thought over it.

Q. Have you seen the letter of Sir Francis Mudie?

Ans. Mudie is a very frank man. He will tell you every thing. He does not hide anything. I give you his address. But he is very far off.

Q. I am going to Edinborough.

Ans. Then it is all right. (He gave me the address of Sir Francis Mudie the Governor of West Punjab in 1947.)

Q. I learn that somebody was editing Lord Wavel's papers.

Ans. Yes, John Connel. But after such long years he has reached only 1941. But he is editing only his military papers.

Q. I think Wavel would have acquired the insight into Indian problem.

Ans. He was quite ignorant as he never served Indian Army. He was in British Army. On account of war and military strategy during the war, he had been appointed as Governor General. There were two persons who were keenly interested in the Sikh affairs - Short and Moon - but both had no say in the high ups. They were too small. Moon had been dismissed during Sir Glancy's rule. So he was under the cloud.

We again held discussion on July 8, in the lawns of King's College, Cambridge. The main discussion was whether the Sikhs sided with the Hindus and fought against the Muslims during Calcutta riots of 1946? I showed him my book "*Sikhan De Sewa*" in which H.S. Suhrawardy's statement had been published. Its text is given below. But Stephen stuck to his own view that he himself had seen Sikhs with taxis attacking the North Calcutta rushing to that side for attacking the Muslims.

1. This is not Correct. The sketch map sent by Abell along with his letter dated August 8, 1947 has since been published. See page 2, the Partition of Punjab Vol. IV, National Documentation Centre Lahore 1983. For Abells letter see document no 139.

All Reports Against Sikhs Found Untrue Mr. Suhrawardy Asks Muslims to Give Up Suspicion

Mr. H.S. Suhrawardy, Chief Minister Bengal has issued the following statement:- I am deeply disturbed to find that the suspicion and districts amongst Muslims against Sikhs still continues. I still hear rumours circulated from time to time and in various localities that the Sikhs are congregating in certain places for the purpose of attacking Muslims. Each one of these reports has been investigated and has been found to be false. Places supposed to be full of Sikhs armed for the purpose have been searched and the report has been found to

be absolutely without substance.

I have personally looked into many of these cases and can definitely state that these reports are absolutely false and are merely the outcome of panic. The Sikhs went about in their taxis and their buses during those dangerous five days for the purpose of rescuing their women and children and removing their belonging. Immediately rumours got abroad that they were moving about for the purpose of attacking Muslim *mohallas*. Not one Muslim *mohalla* had been attacked by the Sikhs thus far, and yet the rumours still go on.

There are stories of one or two Sikhs here and there in those days of carnage having taken part in the riots. Some of these may be true and others may not. But that does not mean that the Sikh community was up against the Muslims.

I have been in constant touch with the Sikh leaders and I am absolutely convinced regarding their bonafides and the attempts that they are making to keep themselves neutral and not to be involved in any kind of dispute. More than that during the riots they have saved as many as 5,000 Muslims from dangerous areas and carried these Muslims to safe places. Surely they deserve something better from the Muslims than this suspicion and distrust and hostility against them.

Some Examples

Small incidents take place here and there and misunderstanding grows. Let us give some examples which may help to clear the situation. A report is received that Muslims are being assaulted in a Hindu area: a bus comes along which is driven by a Sikh driver, and this bus contains both Hindus and Muslims; the Muslims stop the bus and request the Muslims to get out and not to go into the dangerous area; the Hindus in the bus think that the Muslims are being taken out for the purpose of assaulting the Hindus, and they urge upon the Sikh driver to drive fast; the Sikh driver drives fast and the Muslims outside think that he is running away with some Muslims so that they may be killed in the Hindu area, and they start throwing stones. This is how misunderstanding arises.

We all know of one case where a Sikh driver did not stop at a particular place as he got into panic seeing a Muslim crowd standing by; the Muslim in the bus who wanted the Sikh driver to stop thought that the Sikh driver was running away with him; he jumped out of the bus and injured himself. Immediately rumours got about that bodies had been thrown out of the bus that Sikh had killed Muslims that Sikhs had attacked Muslims with knives and so on.

All this must cease. My, Muslim brethren must believe me when I say that this propaganda against the Sikhs is false and must stop at once, and Sikh drivers whether of buses or of taxis, must not be stoned or molested in any way. In fact I should very much like that attempts should be made by the Muslim localities to contact Sikh leaders who are their neighbours so that mutual confidence may be restored.

I hope that Muslims will respond to this appeal wholeheartedly and stop molesting the Sikhs; and also stop this anti-Sikh propaganda which has no basis in fact and which must be put an end to at once for the sake of peace and general restoration of confidence.

The Statesman, Calcutta, Tuesday, Oct. 1, 1946.

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